THE STATE AND THE CHILD

W. CLARKE HALL

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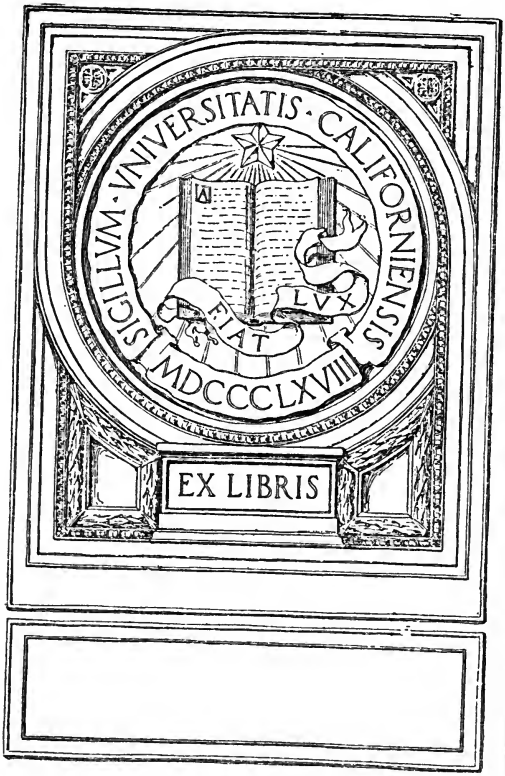
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GENERAL PREFACE

THE events of the present time have started much serious enquiry into the validity of our accepted institutions and our traditional habits of thought. Our conceptions of the State, of the Church, of the organisation of Industry, of the status of Woman in the commonwealth, and of many other things have been directly challenged; and it is commonly acknowledged that a frank and thorough-going examination of our current postulates, political, religious, economic and social, is urgently called for. This series is intended to be a tentative contribution to the discussion of the problems thus raised.

The writers of these volumes do not profess to have a complete philosophy of reconstruction; nor have they endeavoured to co-ordinate their thoughts into a coherent polity. They treat of matters upon which they are not all agreed; but they agree that Society should be organised with a view to the free development of all the finer interests and activities of men, and that such organisation must take account of local and spiritual differences. Apart from this general agreement, they have worked out their several theses independently and are severally alone responsible for the opinions expressed in the volumes published under their names.

The volumes in the series will cover the main subjects relative to the function of the State. Those already planned will treat of the State in its relation to other states, to religion, to industry, to society, to woman, to the individual, to art, education and crime.

C. DELISLE BURNS
RICHARD ROBERTS

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AUTHOR'S PREFACE

WHEN it became part of my duty to sit as magistrate in a Children's Court I early realized that the various orders which it was my duty to make were being made with insufficient knowledge of the effect upon the children before me.

Even a fairly long experience of the problems of child life, viewed from other aspects, did not, I felt, throw adequate light upon juvenile delinquency or the best means of dealing with individual cases.

Since for the future lives of these children the State had made me so largely responsible, I felt bound to attempt to obtain answers to the questions which were constantly occurring to me. Such questions were, for example: What will the life of this child be like in an Industrial School? Is the physical, mental, and moral training which he will receive there that which is best suited to his particular needs? Or, again, Upon what conditions does the success of Probation depend? Is it the best and most helpful course to take in the interests of the child now before me? Or, again, How far is birching reformative to the boy birched or deterrent to others committing similar offences? What type of boy, if any, is benefited by it? In setting out to find answers to these questions I had no intention of procuring material for a book, but only of gaining experience and knowledge for myself. When, however, it was suggested to me that I should write on the subject of "The State and the Child," I hoped that the voyage of enquiry upon which I had embarked might furnish me with some

results that would possibly be of interest and assistance to others concerned with these problems and seeking, like myself, for more light upon them. Limited as are my own experience and means of knowledge, they must of necessity be far greater than those of hundreds of tribunals throughout the country charged comparatively rarely with the duty of dealing with delinquent children.

In consenting to undertake this work I am conscious of the fact that many of my brother magistrates have a far longer and wider experience of juvenile delinquents than I, while I feel also that as regards the other subjects upon which I have touched there are experts with much greater knowledge than mine. I am, however, not without hope that the views and experiences set down may be of some use even to them, and not without general interest to others.

In writing, I have kept three different ends in view—

(a) That of trying to increase public concern in the relations of the State towards the child;

(b) That of helping to determine the best methods of dealing with juvenile delinquents; and

(c) That of putting forward suggestions which would, in my judgment, prove beneficial.

All that I have written has been written in the light of personal experience, and since this is its principal claim to usefulness I trust that this personal attitude will not be deemed egotistic.

I have been compelled to make large use of the

statistics of the Old Street Police Court, because, for many purposes, these were the only ones I could obtain. For them I am indebted to the kind assistance of the Chief Clerk, the Police Court Missionary, the Lady Probation Officers, and the County Council Industrial School Officials.

I have purposely refrained in the text from any mention of my colleague, Mr. Wilberforce, because I have no right to involve him in any of the views expressed in this book, but I desire to tender him my gratitude for the loyal co-operation which he has always given me.

To avoid the frequent repetition of the cumbrous phrase "children and young persons," I have used the word "children" (except where the contrary appears) in its popular sense as applying to all boys and girls under sixteen years of age.

W. Clarke Hall.

September, 1917.

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INTRODUCTION

THE proposition that one of the most important functions of the State is the careful preservation and right use of its assets, may seem to be a truism, but it is one which needs to be continually emphasized. Of all the assets of which the State stands possessed, none are more valuable than the children, but of all its assets, the State has in the past been of none so wasteful and so heedless At the beginning of the nineteenth century the almost incredibly foolish belief was prevalent that the value of the nation's children was insignificant in comparison with immediate money wealth and trade prosperity. The inevitable consequence of that belief has been a terrible legacy of criminals, lunatics, feeble-minded and degenerates, the burden of whose support has fallen upon the State.

When Lord Shaftesbury (then Lord Ashley) rose in the House of Commons to denounce the cruelty towards children carried out in factories, mines, and agricultural gangs, he did so, not on the ground that the nation was wasting and destroying the most valuable of its assets, but on the ground that such cruelty was repugnant to Christianity and to the national conscience. He was met by a storm of protest from those who cried that a foolish and sentimental attack was being made upon the nation's wealth and prosperity. To neither side did it seem to occur that the exploitation of the labour of children of eight years of age and upwards was in reality, not only bad in itself, but the worst possible business. Whilst all who care for righteousness, mercy, justice, and

Christianity must for ever feel indebted to Lord Shaftesbury and feel the deepest sympathy for his aims and work, even those who regard none of these things, to whom the material prosperity of the nation is above all else of vital moment, now realize that the system which he denounced was a national evil which, pursued, would have led ultimately to national ruin. The "pseudo-philanthropy" which his opponents denounced is now at last being recognized as the highest duty of all sane statesmanship.

Not only did the State permit this reckless waste by the employer; it permitted it also by the parent. Before the year 1889, the child might suffer continuously and its health be injured by neglect and illtreatment, but the State looked on unmoved and the law gave no redress.

For five years continuously, Benjamin Waugh, with the courage of conviction, traversed the country, speaking in every county and almost in every town, until public feeling was sufficiently aroused to justify the introduction of the Prevention of Cruelty to Children Bill in 1889. Thanks to the untiring effort and perseverance of the late Lord Alverstone (then Sir Richard Webster), that Act was passed through Parliament, and for the first time it became an offence to neglect or illtreat a child "in a manner likely to cause unnecessary suffering."

Lord Alverstone's interest in the question never flagged, and in 1894 and 1904 he piloted through

Parliament two amending Bills, the latter of which was finally incorporated in the Children Act of 1908, a splendid piece of legislation, the credit for which is mainly due to Mr. Herbert Samuel, who spared no pains to make it as comprehensive as possible.

Before the year 1870, again, the child might grow up ignorant and uneducated; the human intelligence undeveloped; knowledge kept only for the few; the national capacities wasted. Only the superior education of commercial rivals and the consequent danger to trade awakened the country at last and, to a large extent, too late, to the folly of its reckless disregard of the child. But the State has sinned not only by acts of omission but also by acts of commission. While the law denied to the child almost all the rights of citizenship it enforced upon him its direst penalties. The wrong-doing of the child was even as the wrong-doing of the adult. The punishment of the one differed in no respect from the punishment of the other; with the inevitable result that the child offender grew into the adult criminal.

It is fundamentally and eternally true, apart from all creeds and from all religious sanctions, and regarded as a mere business proposition, that the nation that does righteousness is the nation that prospers. In as far as England has done righteousness she has prospered; in as far as she has been unrighteous towards her children she has laid upon her own shoulders the terrible burden of a wholly

unnecessary number of paupers, degenerates, weaklings, and criminals. Though religion should prove a myth and mercy and pity be of no account, though death should be "nothing and naught after death," the question would still remain—Does this neglect of the children pay? It is submitted that to this question there can be but one answer—It does not pay.

These are not questions of right and justice alone, still less of sentiment only; they are matters of policy and national self-interest. It cannot be too often or too strongly insisted upon that every healthy child is, not only indirectly, but directly, a valuable asset to the State; that every unhealthy, degenerate, and criminal child is both directly and indirectly a cause of loss to the State. The child that through neglect drifts finally into the hospital, the workhouse, or the lunatic asylum, costs the nation at least £40 or £50 a year for his support in these institutions. The child who, through similar neglect, becomes an habitual criminal or drunkard, by the time he is arrested, tried, and imprisoned, probably costs considerably more than that amount.

Assuming that this proposition is true (and I venture to think there are few people who would to-day be found to deny it), does it not become incumbent, at the present time above all times, both upon the State and all individual members of it, to see that this waste shall, as far as possible, cease? The war has not only vastly increased the

need for the economy by the nation of its assets, but it has given a stimulus to social endeavour greater than has ever before been felt. Much has been done for the child, much is now being done, but the best is not being done. It is towards the best that all social endeavour should aim, and short of the best neither the State nor the individual should rest satisfied.

CHAPTER I: THE DELINQUENT CHILD

¶ *The Attitude of the Criminal Law Towards the Child. Historical Sketch. Child Delinquents. Some Characteristic Examples. Increase in Delinquency. London and New York Compared. Methods of Treatment. Dismissal Recognizances. Committing to Care of Relatives. To Schools. Whipping. Fines. Places of Detention. Other Methods. The Offences Children Commit. Ages of Delinquents. Suggested Legal Changes.*

IN order rightly to appreciate the present position of the delinquent child, a brief historical sketch is necessary.

The Criminal Law of England showed in the past but little tenderness towards such an one. It is true that up to the age of seven he was presumed to be *doli incapax*, *i.e.*, incapable of felonious intent. After that age any such presumption was open to rebuttal, and we accordingly read of a child of eight years, who had "with malice, revenge, craft and cunning" set fire to a barn, being convicted of felony, and duly hanged.

Apart from the exception involved in this particular doctrine, the child of seven was in all respects treated by the criminal law as an adult. He was flung into the same gaol to await the same trial under the same conditions as the most hardened criminal. "In Newgate," wrote the secretary of the Howard Association, "as lately as 1843, the spectacle (so common in other association-prisons) was constantly witnessed of groups of men and lads fighting, whilst others were shouting blasphemy and obscenity, or

persecuting the less vicious prisoners with kicks, indecencies and brutal outrages."

The child, when committed, might be perfectly innocent of any crime whatever. He had no one to bail him, and so remained in prison awaiting his trial; in the country districts it might be for many months. If, when finally arraigned before judge and jury, he was declared innocent, there can have been little innocence left after his prison experience; if found guilty, he returned to the prison to be made guilty indeed of every vice and depravity which such a hell could breed. The wonder is not that this system produced so many hopeless criminals, but that the harm which it caused was not infinitely greater. For the child once drawn into its machinery, the chance of subsequent redemption must have been exceedingly small.

The first legislative recognition of the desirability of differentiating the method of trial of an adult criminal and a child delinquent was contained in the Juvenile Offenders' Act of 1847, which permitted the Justices, in certain cases, to try children under fourteen and "young persons" between fourteen and sixteen, for felony. This Act was amplified and amended by the Summary Jurisdiction Act of 1879, which still governs the trial of children and young persons, and gives the justices power to try summarily such juvenile delinquents for all offences other than homicide.

A Court of Summary Jurisdiction, even if not

an ideal tribunal for children's cases, is obviously more adaptable for that purpose than a Court of Assize, or of Quarter Sessions. Although this Act provided for the use of the birch in the cases of juvenile offenders, the ordinary punishment of imprisonment still remained and continued to be frequently inflicted.

The evil effects of sending children to prison are now so generally recognised that it is hardly necessary to enlarge upon them, and it is becoming difficult to realise that only a few years ago, between two and three thousand children under sixteen were annually committed to prison. Section 102 of the Children Act has now abolished the punishment of imprisonment for all offenders under fourteen years of age, and (with certain rare and necessary exceptions) of all young persons under sixteen years of age.

THE DELINQUENT HIMSELF

The popular conception of the delinquent child as being either an abnormal creature full by nature of vice and depravity, or of being an innocent Oliver Twist coerced into crime by a modern Fagin, is for the most part erroneous. Both these classes, of course, exist, but they form only a very small minority of the children who come before the juvenile courts.

While there are undoubtedly a large number of mentally defective children who commit offences, the great majority are, I believe, well up to the

average of intelligence. (See Appendix G.) Few things have surprised me more than the brightness of so many of the children who come before me. This is more true of the boys than of the girls. For some reason happy and intelligent girls under sixteen years of age are rarely charged with offences. The principal causes for this are, I think, that their time is more fully occupied by home duties than that of the boys, they are less high-spirited, and high spirits have less tendency to lead them into mischief. It has been often noted, but cannot be too strongly emphasized, that love of adventure is one of the most frequent causes, if not the most frequent cause, of delinquency amongst boys. These boys do not wish to do what is wrong and are genuinely sorry for the wrong they have done, but the desire for excitement to break the monotony of their lives is irresistible. To give a typical instance: A boy charged before me recently had been put on probation, but had again committed an audacious theft. I asked him what he thought I could do to prevent his growing up a confirmed thief. He replied at once, "I think you had better put me away, sir." I said: "Do you want to go to an Industrial School?" "Oh no, sir," he answered, "it ain't that, but I don't want to be bad, and when other boys go on a spree, I just can't help going too and doing my bit." I asked him whether he did not think he could be brave enough to resist temptation, but he insisted that his only

chance was to be "sent away." This is not an isolated instance; I have had many such conversations.

"I am very pleased," writes a boy from an Industrial School, "that you have sent me to this school, because I am learning a very good trade. . . . Besides, sir, I was always getting into mischief somehow or the other outside." "Thank you very much," writes another, rather pathetically, "for taking the trouble to have to write to so low a person as me. It was the right thing for you to send me here, for I can learn things and get on very well here."

The sentiments of the next letter are almost too admirable for a mere mortal boy: "I like being at the school and I have learnt many useful things, for when I get older I am going to be a good citized (*sic*), to be brave and strong, useful and unselfish; to learn to work well, not for my own sake, but for England's sake. England can be great if its men and women are brave and true and helpful to each other. I have been a good boy up to now. I have had a good time with the snowballs, and if I behave myself I may perhaps become a lance-corpal (*sic*) and rise in the rank and be a soldier and fight for my country." "I had great pleasure," writes another, "in reading your letter, and it has also livened me up, and I begin to think what a fool I have been. Since I have been away from home I have learnt many good and useful things."

I think these few extracts give a better insight into the psychology of the delinquent boy than could any words of mine. As far as I can judge the letters are quite genuine and spontaneous, and give no indication of having been edited by superintendents. I have received many such from schools in all parts of England, and they all, I think, bear out my contention that the delinquent boy is seldom either really vicious or depraved. It must be remembered also that it is, usually, only the most hopelessly delinquent who are sent to schools at all. This view of the matter is full of hope for the future, for it is obvious that such boys as these, in better surroundings, and with more healthy interests, would make most excellent citizens.

Delinquency sometimes arises not so much from excessive physical as excessive mental activity. The most inveterate young thief I have ever come across was a boy of this kind. He was good to look at, had perfect manners, no trace of a cockney accent, and was quite unusually intelligent, but nothing could keep him from stealing. After many efforts at reformation, I was compelled to send him to a Reformatory School. He ran away almost at once, stole £10, returned to London, purchased a good outfit, which included a silk hat. He then represented himself to a gentleman of means as an Eton boy accidentally stranded in London. He was taken to the house, entertained, and given a bed, but departed next morning early

with all the money he could lay hands on. Arrested by the police, he was charged at a West-End Court and returned to the school. The motive of his delinquency was clearly ambition and a desire to shine in the world. Rightly guided, such an ambition might have led him to a good and useful position; one is not without hope that it may do so yet.

A somewhat similar instance is that of a girl of thirteen. She showed such remarkable ability that a lady took an interest in her and gave her a good education. She robbed her benefactress and was charged before me. In the course of conversation she told me that the only thing that had ever influenced her was hearing mass on a few occasions at a Roman Catholic church which she had attended, in the first instance "for fun." She begged me to send her to a Catholic School. As she had no friends or relations to select her religious belief, I did this. She bears the highest character at the school, especially for her kindness to, and sympathy with, the younger children.

One more case may be of interest. A girl of nearly fourteen was found wandering and taken to the remand home. She escaped twice and was brought back by the police. On the third occasion she swung from the highest room in the building on to a water-pipe, and was proceeding to lower herself hand over hand when the pipe gave way and she fell into the area, breaking her thigh.

For two months she lay in the hospital, and when well again was brought back to the remand home. The same night she escaped once more, and when arrested had to be detained in prison as the remand home would not receive her. She was then over fourteen, too old for an Industrial School, and had committed no offence which justified sending her to a Reformatory. I obtained a situation for her with a kindly farmer's wife, with whom she did well for two or three months, but the roving instinct was too strong; she again ran away and is still missing. This case of failure illustrates the enormous responsibility that lies upon the magistrate for the children who appear before him, and the extreme difficulty of knowing what course is best to take. On his decision, based necessarily upon very limited information, depends often the whole future of a child for good or evil. That brief appearance in Court frequently means the parting of the ways for the child: in one direction success, in the other hopeless failure; and the magistrate must give his decision, for on his shoulders alone the burden lies, and the powers the law gives him are very wide.

All the instances I have given show, I think, how great are the possibilities which lie in much of the material with which the Juvenile Courts have to deal. The hypocrites alone seem to me almost hopeless, but the number of them is curiously few. Most children are amazingly candid. There is hardly one case in twenty, in my experience, in

which the child does not frankly tell the truth about his own delinquencies. It may be that this is in part due to a mistaken belief in the omniscience of the "beak," but this cannot entirely account for the phenomenon.

Another characteristic which has struck me is that nearly all young delinquents show pluck. I have on several occasions been asked by boys to order them a birching rather than "put them away," but I have never met a boy who pleaded not to be birched. Again, like nearly all the children of the poor, they are kind to younger children. I do not believe bullying exists amongst them to anything like the extent to which it is found amongst the wealthier classes, and the contempt, so characteristic of the latter, for girls and smaller boys is almost wholly absent. In one respect, however, there is a distinct inferiority, and that is in the want of the idea of "playing the game." It is not that the boy from Hoxton or Bermondsey is less honourable by nature than the boy from Kensington or Mayfair, but the one has not been taught to "play the game," and will consequently nearly always cheat if he can; the other has learned the lesson of fair play. One of the most lamentable failures in moral elementary education has been the inability to teach this lesson, but one is glad to feel that boy scout corps and boys' brigades are doing so splendid a work in implanting a higher sense of honour in those who come under their influence. A girl of

thirteen said to me recently: "On my honour as a girl guide I did not do it." I found she was right.

I have written as if "juvenile delinquents" came to the Courts wholly from the poorer classes, and this is almost universally the case, not because these boys are more delinquent by nature; in many respects they are far less delinquent than those in better positions, but the misdeeds of the one are committed in the streets and discovered by the watchful eye of the policeman, while the misdeeds of the other are hidden away in the boarding-school "for troublesome and backward boys," to which his parents have discreetly consigned him.

When one remembers the hard lot of the children in the poorer parts of our great towns; the constant temptations to which they are subjected; the almost complete absence of supervision and control over them during the long evenings when they are away from school; the want of amusement, of healthy exercise, of play-grounds, of all intelligent interests; the often wretched condition of their homes, the confined space, the crowded and insanitary conditions of life; the evil examples around them, the foul language, the brutal drunkenness, the savage blows which they daily hear and see—one is astonished at the many good qualities rather than the bad, and wonders less at the number contaminated than at the number who escape contamination.

INCREASE IN DELINQUENCY

A great deal has been written and spoken recently about the increase of juvenile delinquency, and that it has increased there can be no doubt.

Into the immediate and temporary causes for this I need not here inquire, but I think it is necessary to point out that there has been too general a tendency to rely upon the number of charges brought before the Juvenile Courts as giving an accurate estimate of this increase. A little consideration will show that the number of offences actually committed by children is vastly greater than the number of charges brought, and it is quite a fallacy to suppose that the relationship between these two sets of figures is a constant one.

With sufficiently increased vigilance the number of charges in any particular Juvenile Court could be doubled, trebled, or quadrupled. Two boys of ten and eleven told me recently that they had been in the habit for two years past of almost daily stealing some small article, yet neither had ever before been arrested. There is a popular notion, which I have found common amongst well-intentioned people, that there is something unkind and mean in preferring a charge against a child. This view, though gradually passing away, appears to be, in some districts, shared even by the justices themselves. In one town, for instance, the bringing of such charges is said to be deliberately

discouraged. The police, naturally, tend to fall in with the wishes of the bench on such subjects. I do not doubt for a moment that those who encourage this course do so from the highest motives, but I am equally convinced that the view is a wholly mistaken one. It is thought that it is a harmful thing for a child to be arrested by a policeman, brought through the streets, taken to a remand home and charged before the bench, and that it would be better to trust to the parents themselves to inflict proper punishment. If the parents could indeed be relied upon to do this, the argument in favour of leaving the duty to them would be very strong; but, unfortunately, experience shows that the great majority of juvenile delinquents are children of parents who never control or punish them rationally at all. Even in the case of the best parents, who are working people, the task of looking after the children or controlling their actions is very difficult; in the case of the careless and indifferent it is rarely even attempted. The fact, therefore, must be faced, however regrettable it may be, that it is to the Children's Courts that the State must ultimately look for checking juvenile misconduct. Since there is nothing more demoralising, both to the individual child and to his companions, than success in escaping punishment, it follows that the aim of the Courts should be not to decrease the number of charges, but to increase them until such increase comes within measurable distance of the number

of offences actually committed. At present there can be no doubt, especially in the large towns, that the disproportion is enormous. Over 1,000 children were charged at the Old Street Children's Court in the somewhat phenomenal year 1916, but the total population of the district over which that Court exercises jurisdiction in children's cases is well over a million, including at least 300,000 children under 16, almost exclusively of the working class. No one who knows the East End of London can dare to hope that only one child in 300 breaks the law during the course of a year, and it accordingly follows that a far larger number of children should have been charged than were in fact charged. Before the New York First Division Juvenile Court, nearly 10,000 children are annually brought, although the population of the district included is under 3,000,000. These children are, of course, not all delinquents. The practice in America, and it is I think an excellent one, is for the Juvenile Court to deal with all children's cases, even when it is the parents who are charged, *e.g.*, neglected children, school attendance cases, &c. The number of children who would, if in England, have been charged is over 6,000 a year. The proportion of children, therefore, charged with offences in New York is at least twice as great as in East London. This cannot be entirely accounted for by greater juvenile delinquency in America, and points to the fact that the offences themselves are much more

frequently discovered and more care is taken to deal with the delinquents. (See Appendix F.)

The high-water mark of juvenile delinquency in East London would appear to have been reached in the month of January, 1917. (See Appendix E.) Since then the number of charges has considerably decreased. This is partly, but not entirely, accounted for by increased daylight and somewhat better street lighting. (Compare June 1917.)

METHODS OF TREATMENT

The various ways in which delinquent children may now be dealt with are set out so succinctly in Section 107 that it may be well to quote it at length:—

"(a) By dismissing the charge; or

(b) By discharging the offender on his entering into recognisance; or

(c) By so discharging the offender and placing him under the supervision of a probation officer; or

(d) By committing the offender to the care of a relative or other fit person; or

(e) By sending the offender to an Industrial School; or

(f) By sending the offender to a Reformatory School; or

(g) By ordering the offender to be whipped; or

(h) By ordering the offender to pay a fine, damages or costs; or

(i) By ordering the parent or guardian of the offender to pay a fine, damages or costs; or

(j) By ordering the parent of the offender to give security for his good behaviour; or

(k) By committing the offender to custody in a place of detention provided under this part of this Act; or

(l) Where the offender is a young person, by sentencing him to imprisonment; or

(m) By dealing with the case in any other manner in which it may legally be dealt with."

A few notes upon these various methods of dealing with delinquents in the Children's Court may, I trust, be of general interest.

(*a*) Dismissal

The case may be dismissed for two reasons, firstly because the offence is not proved, and secondly, under the Probation Act, 1907, because although proved yet, having regard to the trifling nature of the offence, the age of the delinquent, or other mitigating circumstances, it is expedient to deal with it in this way. Children are frequently discharged on the second ground, but usually after having spent a short time in the remand home. It is seldom desirable to discharge a child immediately, as it prevents a full inquiry being made into the case and tends to foster in his mind too light an estimate of legal procedure. In most instances it is clear that either the charge ought never to have been brought at all, or it should be

punished with at least a trifling fine, if not by detention for a week in the remand home. I have obtained complete statistics for the Old Street Children's Court during the years 1911, 1912, 1915, and 1916 (see Appendix B), and I find a constant tendency to diminish the number of cases discharged forthwith, and greatly to increase those discharged after remand. Thus in 1912 there were 91 children discharged at once and 50 discharged after remand, but in 1916 there were only 88 discharged forthwith and 208 discharged after remand, or 25 per cent. of all charges brought. The Home Office statistics for the whole country do not indicate this distinction, but show a percentage of only 14 discharged where an indictable offence was proved. I feel myself that the Old Street percentage of discharges is too high. Many of these children would have benefited more by being placed under a probation officer, if there were a sufficient number of such officers to look after them, or, failing this, by being bound over in recognisances. In considering the Home Office statistics and those of old Street, it is to be noted that the basis upon which they are taken is not the same. In the former all cases are divided into indictable and non-indictable, in the latter into charges and summonses. No accurate comparison is therefore possible, but I have thought it would be of interest to give both, and as, in the Juvenile Courts, the great majority of the charges are for

indictable offences, some rough idea of comparison may be gained. (Appendix H.)

That neither discharging nor binding over are very effective means of dealing with children is shown by the fact that 29 per cent. of recharged children have been previously dealt with in this way. (Appendix D.) In giving these figures of recharged cases I have been unable to distinguish accurately between those discharged under the Probation Act, remanded on bail, and bound over, because the various officials employed enter them somewhat differently. The total figures under all these heads are, however, I believe, substantially accurate. In the New York Court about 20 per cent. of the children are discharged (Appendix F.)

(*b*), (*c*), and (*j*) Recognisances

My own experience is that there is little value, in most children's cases, in merely taking the child's own recognisances. The provision is useful sometimes when a boy is living away from home and earning his own living, but in cases where he has parents and is living with them it is better to take the recognisances of the parent (j) to insure good behaviour. These can be more easily enforced and help to foster a sense of responsibility on the part of the parent. Even these, however, are at present unsatisfactory, and it is suggested that stricter conditions should be set out in the recognisances and better provision

made for enforcing them. (See post p. 122.) The Home Office statistics for 1914, already quoted, show a total percentage of about 13 cases of children proved guilty of indictable offences and bound over in recognisances, but in which cases their own recognisances only and in which those of their parents also were taken is not indicated.

The Old Street figures for 1915 and 1916 give approximately the same percentage. Of the children discharged and bound over about 29 per cent. were in these two years (as already stated) recharged for fresh offences. In New York very few children are bound over in recognisances. The 1915 figures show less than one per cent. The reason no doubt is that where a simple discharge is thought insufficient, it is considered better to place the child on probation. Further, the figures show that while more than twice as many children are charged with offences in New York, in proportion to the population, as are charged in East London, the number of children charged with offences punishable in England, but not in America, by birching, is substantially the same. (Appendices A and F.)

(*d*), (*e*), and (*f*) Committing to Care of Relatives, &c.

So much juvenile delinquency is directly due to undesirable surroundings, or to bad home conditions, or bad companions, that there are many cases in which it is well, if possible, to find a relative or

other fit person to take care of the child. The difficulty, of course, is to discover such people, and this difficulty seems particularly great in London, where the poor so quickly lose sight of their relatives and make few intimate friends. I feel so strongly the greatness of the advantage of home life over institutional life, that it would be desirable, were it possible, in a very large number of cases to take the course here provided for; but it rarely is so, except in cases where voluntary homes are willing to come forward and take children. Even where a relative or fit person is found it is usually safer and wiser also to bind over the child under the Probation Act. The Court obviously takes upon itself a very heavy responsibility in appointing a new guardian, who may turn out wholly unworthy, unless it keeps in touch, through the Court missionary, with the child and his new home. It would be a great assistance to the Courts if the Home Office would cause a regular inspection to be made of all voluntary institutions willing to take children from the Courts, and furnish the magistrates with full particulars of them. The Reformatory and Refuge Union do indeed publish a "Classified List," but it is not complete and does not guarantee the efficiency of the institutions. Out of the 36,929 persons dealt with in the Juvenile Courts throughout England in the year 1914, only 13 were committed to the care of relatives, &c., under this provision. This lamentably

small number is partly due to the fact that voluntary homes are reluctant to take children under this provision, in view of the fact that they lose all control over them at the age of sixteen, whereas Industrial Schools retain control until eighteen. Where the managers of voluntary homes are good enough to come forward and take children from the Courts, thereby saving the nation the cost of their maintenance, there seems to be no reason why they should be compelled to give up all control of them two years before the Industrial Schools do so. This power of control is of great value. The parents of the child are presumably persons who have no care for his interests, otherwise he would not have been taken from their custody. If they are at liberty to claim him at the age of sixteen he will probably be placed by them in a "blind-alley" occupation amidst undesirable surroundings, and all the trouble and expense lavished upon him will be wasted. The legislature has recognised this in the case of both Reformatory and Industrial Schools; there seems no reason why the same principle should not apply to voluntary homes.

English law has always tended to safeguard too strictly the rights of parents, while failing to enforce upon them their duties. It has accordingly discouraged the adoption of children by strangers by giving the parents the right at any time to reclaim their children in spite of any written agreement binding them not to do so. The Custody of Children Act, 1891, gave power

to judges of the High Court in certain cases to refuse to return children to their parents or to do so only on specified conditions. The invocation of these powers is, however, beyond the means of poor people. It would seem to be very desirable that the jurisdiction in these matters should be extended to the Juvenile Courts. Again, if parents are separated by order of a Court of Summary Jurisdiction, the Court has power to deal with the custody of the children, but if, as is so often the case, they are separated by mutual consent, the Court has no such power. I get numerous applications of this kind, and can only refer the applicant to the High Court, to which he, of course, never resorts. The result is constant friction and quarrelling between the parents, often ending in violence. If a magistrate, or justices, are competent to decide questions of custody where there has been desertion, persistent cruelty, &c., it is difficult to see why they should not be competent to try such questions where both parties desire it and the interests of the children demand it.

It is also a question worthy of consideration at this time, when the lives of children are so valuable, and when there are large numbers of poor people with many children and of rich ones with none, whether the English law as to adoption might not well be broadened upon the lines of the old Roman Law, which was particularly sane and enlightened on this subject.

(*e*) AND (*f*) REFORMATORY AND INDUSTRIAL SCHOOLS

The management, efficiency, and conditions of certified schools is dealt with at length in a later chapter. It is enough here to suggest that as a broad, general proposition, no child should be sent to a school if there is any reasonable hope that any of the other methods provided for by the section are at all likely to prove sufficient and effective.

The practice as to sending children to schools varies greatly throughout the country, some justices being very ready to take this course, others most reluctant. This is illustrated by the committals to one particular reformatory in 1916 Out of 74 boys admitted, 28 had no previous convictions reported against them, 26 one, 13 two, 5 three, 1 four and 1 five. While, on the one hand, it would seem probable that many, if not most, of the 28 might well have been given another chance, on the other hand, to wait until a boy has been three or four times convicted makes it difficult for the school to reform him.

In the years 1915-16, 394 children were sent from Old Street to Industrial Schools, and 52 to Reformatory Schools; 62 of the former class were girls and 4 of the latter. The total number sent to schools was 446 out of 1,955 charged, or 23 per cent. (Appendix B.) In New York about 20 per cent. are sent to institutions. (Appendix F.)

(*g*) Whipping

Of all methods of discipline and correction none has aroused such violent controversy, or led to such utterly irreconcilable views, as the question of corporal punishment. The subject is one of great importance, and deserves careful consideration, apart from prejudice or sentiment.

To order a delinquent child to be birched is, undoubtedly, the simplest, the most expeditious, the least expensive and least troublesome method of punishing him. There is, however, a danger that the obviousness of these advantages may lead to more important considerations being overlooked. Prevention and cure are, after all, the two main objectives to be aimed at, and the question is, not whether birching is cheap, but whether it does the boy good; not whether it is little trouble, but whether it is effective in preventing the commission of like offences in the future, either by the culprit himself or by others.

The wholly unnecessary passion and prejudice that have been imported into the subject have brought about a somewhat illogical compromise in the law as it stands at present. Boys under fourteen may be birched by order of a Court of Summary Jurisdiction for all indictable offences, other than homicide (for which latter they must be committed for trial). In practice this means that they can only be birched for larceny and one or two statutory offences, such as throwing stones at railway trains.

It is surely true, however, that there are many offences more properly punished with the birch than stealing. A small boy often steals because he has been set on to do so by older boys, who keep out of the way themselves, and, in any event, cannot by law be birched, even if caught. Or again, he steals because he is hungry, or because he has been encouraged to do so by his parents, or because his moral training has been neglected. Often it happens that his whole environment and upbringing have led him to believe that law and order are enemies against which it is brave and manly to wage a guerilla warfare. If he is caught and birched his creed does not change. It is true he has suffered in the encounter with his enemies, but he looks forward to "getting his own back," and he will be more careful in the future not to be caught. Such a boy, if mean-spirited, will wait next time judiciously round the corner to divide the spoil with a still smaller boy who does the "lifting"; if high-spirited, will bear his suffering pluckily and proudly risk its repetition. The birching has not cured him, but made him a more determined thief. Quite recently a boy sentenced to be birched at Old Street for a small theft, was, to the magistrate's surprise, back again the very next week charged with an exactly similar offence.

On the other hand, a boy who brutally assaults a small child or treats an animal with gross cruelty, richly deserves the birching which the

magistrate has no power to inflict. In such cases it is the right and appropriate punishment.

Shortly after having written the above paragraphs, I found them curiously illustrated in practice. I had sentenced a boy to be birched for theft. A few days afterwards he met a much smaller boy who had been entrusted with money to make a purchase. The elder boy enticed the younger into a shed, stole the money from him, and left him tied up by the wrists and ankles with string, which had cut into the child's flesh. Boys of this class are seldom cruel to each other, and I cannot avoid the suspicion that the pain this particular boy had himself just undergone had something to do with the cruelty to another.

Again, the limitation of age (under fourteen) seems to have little justification in common sense or experience; it certainly is not supported by the favourite analogy of the public school. In a very large number of cases, especially in the poorer parts of the large towns, boys work in gangs. The leader of the gang is naturally one of the eldest, and most often over fourteen. To one of the small followers a birching, not inflicted upon the known leader, must seem cruelly unjust, and to breed a sense of injustice in a child's mind is one of the worst wrongs that can be done to his moral being.

The most common argument in favour of birching at police courts is that children of the wealthier classes receive corporal punishment at

home and at school, and with beneficial results. Analogies, however, are apt to be fallacious, unless they are complete, and this particular analogy is very incomplete.

A child whipped by his parents is punished by those whom he loves, and who, as he well knows, love him. A public-school boy is flogged by a master, whom he at least respects, and for whom he often has a really affectionate regard. In both cases the boy is fully aware that he is being punished for his own good, and in the latter case he feels also that the punishment is an integral part of the discipline of the school of which he is proud. To nourish a feeling of resentment would be at the best "unsporting" and "bad form." A delinquent child birched in a police-cell is in a very different position. The policeman who wields the rod is, too often, regarded as merely one of the boy's natural enemies; certainly not a person to be looked upon with either affection or regard. This makes all the difference in the world to the moral effect of the punishment. Mere similarities of experience do not produce similar psychological results, unless all the conditions are similar. Between the Eton boy and the slum child there is no such similarity. To a boy whose life is nearly all comfort and happiness, pain comes as a necessary tonic; to a child brought up to suffering and misery, an added pain is merely an added evil.

If these principles are accepted, it would follow

that is is undesirable that a boy brought up in wretched surroundings, or coming from a bad home, should be sentenced to be birched in a Police Court, for in such a case it is almost impossible that the punishment should prove really reformative.

Even if the punishment of birching is not reformative it may well be urged that it is preventive. This is probably true to some extent, though in a far less degree than *a priori* reasoning might lead one to anticipate. In the year 1911, 225 boys were charged at Old Street Police Court with stealing; 158 were under fourteen and liable to be birched. Of these 47 were, in fact, birched; 90 were over fourteen and could not be birched. Of the total number, 58 were thirteen years of age, and only 40 were fourteen years of age. If, therefore, birching were a really effective deterrent, it is strange that the number of boys of fourteen who could not be birched was 30 per cent. lower than the number of boys of thirteen who could be, and often were, birched. [The full figures and ages for four years are given in Appendix A. 1911 is used here as the year in which the largest percentage of boys were birched, and in which, therefore, its deterrent effect was presumably greatest.] It is, of course, obvious that the decrease in delinquency from thirteen to fourteen years must be due to other causes, which are investigated elsewhere, but the significance of the figures in the present connection

cannot be altogether ignored. (See p. 41 and Appendix B.)

These figures appeared so remarkable that I obtained, for purposes of comparison, the statistics of the "New York (1st division) Children's Court" for the year 1910, a report of the proceedings of which is published annually.

In that year 3,823 children between the ages of twelve and fourteen were charged, and 4,532 between the ages of fourteen and sixteen. To make sure that this was a normal proportion I then took the figures for 1905 and 1909, and found practically the same ratio in all three years When it is remembered that in the New York Court no boys are birched, the comparison of the above figures with the English ones is startling. In New York the greater degree of delinquency is over the age of fourteen, in London it is under that age; that is the boys in England liable to be birched are more delinquent, proportionately, than the boys in America of the same age not liable to be birched, as well as being more delinquent, proportionately, than the older boys in this country who escape this punishment.

In the Birmingham Children's Court I understand that the use of the birch has been entirely abandoned. If it is to be retained and used elsewhere I would suggest that the law should be altered by providing that where a boy is brought up for failing in the conditions of his recognisance the fact that he is then ordered to be

birched should not put an end to the probation. I think in some cases of unruly boys who set probation officers at defiance, this course might, perhaps, usefully be adopted, but under the present law probation ceases when sentence is passed (see p. 31).

A further suggestion, which I think merits consideration, is that corporal punishment should, where possible, be inflicted by the father, giving the Court power to order that he should do it in the presence, and to the satisfaction of, a sergeant of police. This would, at least, have the effect of increasing the sense of parental responsibility while mitigating some of the drawbacks of the present system.

As long as birching remains a punishment provided by law it does not seem to me that a magistrate has the right to decide *never* to use it. The primary responsibility rests with the legislature. To try to gain still further light on the subject I procured the figures of the number of children charged at Old Street during the years 1915 and 1916, who had been previously charged (Appendix D), and what punishment had been first inflicted upon them. The result shows that while during these two years 99 boys were birched. no fewer than 35 of the boys recharged had been previously birched. This proportion is considerably larger than that of any other method of treatment, and would seem to indicate that about 35 per cent. of boys who are birched commit fresh

offences, and that birching is the least deterrent, as well as the least reformative, method of dealing with them. It may be said that this is accounted for by the worst boys being birched, but for the reasons I have already pointed out, the boys coming from bad homes are not usually birched, and it is these boys who are most likely to be recidivist. On the other hand, it should be remembered that boys who are birched are necessarily under fourteen, and thus have two years at least in which they may again come before the Children's Court.

On the whole, I have formed the opinion, after what I trust has been an impartial and careful consideration, that the punishment of whipping in a police cell does not possess either the deterrent or reformative value which its advocates claim for it. So many attempts have recently been made to increase the use of the birch that it would be interesting and most useful to learn upon what facts or experience the demand for this is based. As far as I have been able to gather the idea is simply that the suffering involved in a punishment is the exact measure of its deterrency. This is neither historically nor psychologically true.

Highway robbers with violence in the 18th and earlier centuries were criminals of much the same type as they are now. They were popular then because they carried every day their lives in their hands, and the death penalty, so far from discouraging this class of crime, made its perpetrators

heroes in the eyes of the populace. There can be no doubt that boys who have been birched become in a like manner heroes amongst many at least of their companions, and a boy will go through a great deal to be accounted a hero. I have not touched on the physiological aspect of the case as that seems to me one for medical experts entirely.

(*h*) and (*i*) FINES.

There are, of course, a large number of petty offences for which children are brought before the Police Courts, such as gambling, playing football in the streets, &c., for which the obviously appropriate penalty is a fine. Where the child is under fourteen the fine must be paid by the parent; if between fourteen and sixteen the Court *may* order it to be so paid. In many more serious charges, such as larceny, it may also be desirable to inflict a fine if there is any reason for thinking that the offence was an isolated one and that the parent was to some extent to blame for its commission. There is no doubt that the imposition of fines is a salutary method of bringing home to parents some sense of their responsibility. The objection to it is that when a fine is imposed the child becomes a convicted person, and therefore cannot be put on probation, since the essence of probation is the absence of a conviction. It is true that the Children Act provides that "*a fine, damages, or costs*" may be imposed "whether with or without any other punishment" (Section 99, Sub-section

(1)), and that "the Court may make on order on the parent . . . for the payment of *damages or costs* . . . without proceeding to the conviction of the child or young person" (Sub-section (3)). It will be observed that whereas the word "fine" appears in the first sub-section, it does not in the third, and this involves the legal consequence that a fine is still a conviction and must be a conviction of the child, who is the person charged, and not of the parent, who is not charged. It would surely be only just and reasonable to provide that where the parent is the person who must by law pay, or who is ordered by the Court to pay, the fine, that such payment should not involve a conviction of the child. This is not a mere cavilling but a very real objection, since it involves the result that if a fine is imposed the Court at once loses all control over the child, left thenceforward (or until a fresh offence is committed) to the care of the parent, who is, *ex hypothesi*, unfitted to look after him properly.

The Courts are being constantly censured for using the power of fining too little, but it is submitted that the real blame should lie with the legislature. I think that nearly all magistrates would be ready to make a much larger use of these powers if such use did not involve the conviction of the child, the consequent inability to put him on probation, and the subsequent necessity, if recharged, of sending him to a Reformatory rather than an Industrial School. The conclusions

to which the courts are asked to come are, in fact, largely contradictory, as they necessitate the findings (a) that the parent was largely to blame for the offence, and (b) that the child must none the less be returned to his care without any control over him by the Court or the probation officer.

I have tried to see my way out of this difficulty, but I fear it is insuperable. The Probation Act, 1907, provides that the Court may, in the given circumstances, release the offender on probation "without proceeding to conviction . . . on his entering into recognisances to appear for conviction and sentence." If, however, a fine is imposed, he is already convicted and sentenced, and cannot again be called upon to appear for conviction and sentence. The law therefore seems clear, though its effect was probably never contemplated by the legislature.

The figures which show the way in which recharged children had been originally dealt with (Appendix D) seem to indicate that fining is the most deterrent of all punishments. These figures cannot, however, be accepted at their face value. At present fining is inflicted in the great majority of cases on boys of fourteen and fifteen, generally the latter age. These boys accordingly, if reconvicted, have probably then reached the age of sixteen, and are consequently charged in the adult Court. As the jurisdiction of the Old Street Children's Court is three times as extensive in area

as that of the adult Court, I have found it impossible to procure the figures of those recharged in other Courts. In the case of youths and girls over sixteen fining is the most usual punishment, for they can only be dealt with under the Borstal system if they have been previously charged. Section 1, Sub-section (3) of the Criminal Justice Administration Act, 1914, contains an admirable provision for placing delinquents between sixteen and twenty-one years of age under the supervision of some person until the fine is paid by instalments. The punishment of fining has, under such conditions, the best possible chance of success. It would be very helpful if general statistics on this point could be obtained, but the only ones I have been able to get are those of the committals for non-payment of fines at Old Street in 1916. Fifty persons between sixteen and twenty-one years of age were ordered to pay fines for offences of larceny during that year and placed under supervision of the Police Court missionary. Twenty-one have paid in full by weekly instalments, 14 are still paying, 9 have gone to prison for failure to pay, and in 6 cases the failure is due to military causes. On the whole this is, I think, a satisfactory result, and would justify the extension of age to persons over twenty-one. There seems no reason also why this supervision system should not be applied to children, as it would in many cases be a useful substitute for, or supplement to, probation.

In New York, it would appear, children are never fined for larceny (Appendix F). In this respect I believe the English practice to be the better.

(*k*) Places of Detention

By Section 108 of the Children Act, the duty is laid upon the police authorities of providing places of detention, and by Section 106 of the same Act the Court is empowered to order the detention in such place of any child or young person who would, if an adult, have been liable to be imprisoned. These places, or remand homes, serve, like prisons, the double function of providing for those awaiting trial and those convicted and sentenced to detention.

In practice very few children are actually sentenced to detention. In 1914 only 54 out of a total of nearly 40,000 children charged in all the Juvenile Courts were so sentenced. One reason for this is that a sentence of detention involves a conviction, and the magistrates prefer to avoid this by remanding children in custody and thus making it possible to place the child on probation afterwards.

No one may by law be remanded in *prison* for a longer period than eight clear days, but as a child is merely detained in a remand home and not in prison, it is submitted that this limitation of time does not apply. This point is somewhat important, as an Industrial School can seldom be found for a child in less than fourteen days, and it is

exceedingly inconvenient to have to resort to frequent remands.

There are in London three remand homes, *viz.*, Ponton Road for girls and young boys, Harrow Road for boys between eleven and thirteen, and Pentonville Road for boys between thirteen and sixteen. The homes are controlled and maintained by the London County Council. The inmates are employed in much the same way as at an Industrial School, but the period of detention is so short (in no case may it exceed one month) that it is very difficult to bring beneficial influences to bear, or to afford much useful training or education.

It is a matter for serious consideration whether it would not be desirable to provide a "place of detention" to which boys could be sent on conviction for any period up to six, or even twelve, months. There are very many cases in which the magistrates are compelled to send boys to an Industrial or Reformatory School when, if a place of detention such as is suggested existed, they would gladly avail themselves of it. The shorter term of detention involved might well be equally beneficial to the boy and would ultimately be a great financial saving to the country. It is submitted that the use of a remand home as a place of punishment is a mistake. Children arrested and taken to a remand home to await trial are presumably, and sometimes actually, innocent. Many of them are merely arrested for being found wandering. It

would therefore be obviously wrong and unjust to inflict upon them a severe discipline whilst detained under such conditions. If, on the other hand, it is necessary to order children to be confined in a place of detention, the discipline should be strict and a course of fairly hard work and unpleasant duties enforced. To combine the requirements of these two different classes of children in one remand home is impossible, and it is not to be wondered at that the magistrates decline to sentence troublesome and unruly children to detention in a home where they are in daily association with, and treated in the same manner as, entirely innocent ones.

The legislature would appear to have foreseen the desirability of separating these two functions, since Section 108, Sub-section (2) of the Children Act provides that " the police authority may determine that any such place shall be used for some only of the purposes for which places of detention are required to be provided and another place for the other purposes." In London the powers and duties of a police authority are conferred upon the London County Council (*id* Sub-section (11)), which is also responsible for much of the cost of maintenance of London children in Reformatory and Industrial Schools. It is for that body to consider whether the provision of a special place of detention for *convicted* children might not be an economy; it would, I think, certainly be useful, especially if the limitation of the period of deten-

tion to one month (*id* Section 106) were extended to six months.

(*l*) Prison

By Section 102 of the Children Act no child may be sentenced to imprisonment, and a young person may be only so sentenced if the Court certifies "that he is of so unruly a character that he cannot be detained in a place of detention."

(*m*) Other Methods

The above methods would seem to be almost exhaustive, but there are two other useful ways in which juvenile delinquents may be legally dealt with, *viz.*, by either remanding or adjourning the case. The remand may be either in custody, or on recognisances. If in custody the child is detained in the remand home. This method has the advantage over a detention order in that (a) it does not involve a conviction, and (b) it enables the magistrate, after the remand, either to place the child on probation or to proceed to conviction and inflict some other punishment.

A remand on bail, or an adjournment, is often a very convenient method. Children and parents are both more impressed by it than by a probation order, for they know that they will have again, in any event, to appear before the Court, and that a definite penalty may then be inflicted, unless real improvement has taken place. Where further, probation officers have too many cases to attend

to, procedure by adjournment is an excellent substitute, and it enables the court to invoke the services of various outside persons interested in the child, and willing to watch over him and report upon his conduct during the adjournment. If, again, the magistrate is in doubt whether a particular case is likely to succeed on probation, he can usually ascertain this by waiting to see how the child has behaved during an adjournment.

Mr. Varney, of the Shaftesbury Society, has rendered most valuable voluntary assistance at Old Street by looking after children in this way, as, indeed, have several others who have given their help in a similar manner. I think the practice might with advantage be greatly extended.

The Offences Which Children Commit

Appendix A gives figures showing the number of charges brought against children in the Old Street Juvenile Court, in respect of each different offence, during the years 1911, 1912, 1915 and 1916. It will be at once observed that the vast majority come under the headings of larceny and kindred offences, such as "breaking and entering," and embezzlement.

The reason for this prevalence is, in my experience, largely to be found in the encouragement given to children by receivers of stolen property. The profits of this business are enormous, for a child will always readily part with an article of value for a few pence, when an adult criminal

could obtain a considerable sum for it. It is only too apparent that at the present time sufficient efforts are not being made to cope with this evil. Section 117 of the Children Act makes it an offence for pawnbrokers to accept pledges from children under fourteen, and Section 116 an offence for "a dealer in old metal" to purchase old metal from any person under sixteen years of age, but all other articles may be disposed of by children in ordinary shops, unless it can be proved that the purchaser knew that the article was stolen. It is submitted that there is no reason why dealers should not be prohibited altogether from purchasing articles from children. A boy of eleven told me recently that for over a year past he had been in the constant habit of stealing and selling the stolen property to particular small general shops, yet during all that time neither the boy thief nor the receivers were detected. If such a provision as I suggest were enacted it would be easy for the police to keep a watch on suspected "general dealers." The offence would be simple to prove, whereas for the offence of "receiving," it is exceedingly hard to obtain a conviction, since it is not difficult to persuade a jury that the receiver may not after all have really known that the article was stolen.

Out of 1,047 children charged at Old Street in 1916 no fewer than 682, or 65 per cent. were charged with larceny or kindred offences. (See Appendix A.)

Even these figures do not represent the real total, because, of the 128 charged with being "beyond control," a great many were so charged for their stealing propensities.

In a very large number of cases (the exact figures are not available) the articles are stolen in order that they may be sold to dealers.

Mr. Massey, the Police Court missionary, in his evidence before the Cinema Commission (*Times*, April 3rd, 1917), attributed the greater part of juvenile delinquency in East London to this cause.

The percentage of charges of larceny against girls is considerably lower than amongst boys, *viz.*, 40 per cent.

THE AGE OF THE DELINQUENTS

Appendix C gives the ages of the children convicted at Old Street in the years mentioned.

It has already been pointed out that in East London thirteen is the age of greatest delinquency amongst boys, but amongst girls it appears to be fifteen.

Amongst boys, delinquency increases steadily and regularly from the ages of eight to thirteen. On leaving school at fourteen there is a considable drop, but the figures rise again at fifteen. Amongst girls fourteen is also a less delinquent age than thirteen or fifteen, but the figures are much less regular. The principal reasons for this amongst boys are no doubt (a) that at thirteen

they have little or no money to spend, and are in consequence more tempted to steal than boys of fourteen, who are earning wages; and (b) that boys at school have more time on their hands than boys who are at work. On the other hand, working boys have many more opportunities for theft than schoolboys, and so, when the first joy of freedom from school and wage-earning have worn off, the temptation comes to them at fifteen to seize the chances afforded of robbing their employers. A very large proportion of the charges brought against boys of fourteen and fifteen are of thefts of this kind.

SUGGESTED LEGAL CHANGES

1. The recognisances into which parents enter for the good behaviour of their children should be specific and not merely general (p. 122).

2. There should be power to estreat part of the amount of the recognisance for a specific breach of it, leaving the recognisance still in force as regards the balance of the amount (p. 123).

3. Fines paid by parents should not count as "convictions" of the children (p. 31).

4. Where children on probation are brought before the Court for failure in the conditions of their recognisances, the Court should have power to inflict punishment without putting an end to the probation (p. *id.*).

5. There should be power to combine probation with other punishments (p. *id.*).

6. All "dealers" should be liable to a penalty for purchasing goods of any kind from children under sixteen (p. 39).

7. Voluntary homes should have the same control, up to the age of eighteen, over children brought up by them as Industrial Schools now possess (p. 19).

8. Juvenile Courts should have wider powers of dealing with questions of the custody of children (p. 20).

9. The power of adopting children should be extended and the right of the adoptive parent better secured (p. *id.*).

CHAPTER II: CHILDREN'S COURTS

¶ *Their Origin and Development. Principles of Punishment. Pathological v. Punitive. Procedure. A Children's Advocate. The Child's Previous History and Home Surroundings. Medical Reports.*

THE practice of having separate Courts for the trial of children's cases appears to have originated in America. Although Massachusetts, New York, and certain other States had arranged for the separate hearing of children's cases before the year 1899, the credit of possessing the first Children's Court seems to belong to Chicago, which established one in that year. The subject has been so fully dealt with by various American writers that it is necessary here only to touch upon it at sufficient length to enable a just opinion to be formed of the development and present position of Children's Courts in this country, comparing the differences between the American and English systems, and to consider to what extent, if any, it will be advantageous to further develop the Children's Courts in England on American lines.

The idea of special Courts for children was advocated in England, I believe, for the first time by Benjamin Waugh in his book "The Gaol Cradle," published anonymously in 1873. Later on several experimental attempts were made to carry it out, but it was not until the year 1908 that "The Children Act" gave it legislative sanction and force. Section 111 provided that the hearing of all charges against juveniles must take place either in a different building or room from that

in which the ordinary sittings are held, or on different days and at different times. Provision is made for keeping the children outside the Court separate from adult defendants, and only persons directly concerned in the case must be present at the hearing, unles they are Press representatives or persons expressly authorised by the magistrate.

In London the provisions of the Act are carried out by providing separate Court-rooms at certain selected Court-houses.

These Courts exercise jurisdiction over the children in the neighbouring districts unprovided with a special Court.

In America much thought has been given to the best method of construction, but in London the authorities have contented themselves with copying almost exactly the adult Courts. At Old Street elaborate provision is made for every person who can possibly have any business to be present, but the delinquent child himself seems to have been entirely forgotten. He stands in a narrow passage behind the usher's seat, which almost conceals him from view. Although obviously an inconvenient and undesirable arrangement, this is really a matter of minor importance, the essential thing, of course, being the right treatment of the child.

PRINCIPLES OF PUNISHMENT

On this vital question there is a fundamental difference between the English and the American

view, and it is a difference worthy of the most serious consideration. To ordinary English ideas the child is a wrongdoer, charged with an offence for the commission of which he ought to be, and is, punished. It is true that, being but a child, his offence differs from that of an adult, not only in degree, but to some extent at least in kind, and that his punishment must also so differ; but except for this difference he stands equally in the rank of offenders against the law with the adult criminal. In the prevalent American view this is not so. "The purpose of the proceeding" (to quote Messrs. Flexner and Baldwin's book on "Juvenile Courts and Probation") "is not punishment but correction of conditions, care and protection of the child, and prevention of a recurrence through the constructive work of the Court. . . . Under this theory the Court becomes a concrete expression of the State's obligation to the child, a recognition that the child is in Court as the result of conditions not of his own making, and that he has a valid claim against the State and is to be saved to it, not punished by it." This purely pathological view of child delinquency permeates all American ideas of probation and detention, and wholly eliminates mere punishment. How far it is fundamentally correct involves an exploration into wide fields of scientific, philosophic, and religious thought, into which it would be vain here to attempt to travel. It may, however, surely be suggested (even if it be in defiance of logic) that in

practice the two theories may well walk hand in hand. The offences of some children are beyond all question brought about, mainly at least, by adverse social, physical, or mental conditions, while the offences of others appear to arise from sheer wilful badness. Punishment in the ordinary sense would seem to be as useless and unjust of the former as pathological treatment of the latter. It is one of the functions of the Children's Court to distinguish between the two and to deal with each individual case accordingly.

I am, of course, alive to the fact that the psychologist would say that this attempted differentiation was utterly unscientific and that to talk about "wilful wickedness" in the one case more than in the other was a superficial and illogical fallacy. Whatever may be the fount and origin of evil in the human soul, or of that stream of anti-social tendencies which makes for delinquency, experience and commonsense alike, however, make it clear that the outward manifestations in different individuals call for different treatment. They further necessitate, in some cases at least, that hastening forward of ultimate deterrent consequences to fulfil immediate ends, which we call punishment. Since the social horizon of the child is more limited than that of the adult, and the ultimate consequences of evil more remote, this hastening forward is the more necessary. "Punishment," said the Rev. Dr. W. F. Cobb, at a meeting of the Penal Reform League, "was not only

wrong on the grounds that had been suggested (*i.e.*, deterrent), but punishment as punishment was wrong in itself. The Almighty Himself never punished anybody. . . . He had imposed His laws upon His creatures and He never interfered by a single movement to stand between the wrongdoer and the consequence of that wrong-doing."

The complete adoption of this view in the Juvenile Courts would, it is submitted, inevitably tend to weaken in a child's mind the sense of wrong-doing and to remove from it all fear of the consequences of such wrong-doing. To the moral philosopher it may seem a platitude to say that virtue in the long run brings happiness and vice misery, but to the street child this is by no means obvious.

To the hungry Joe, who, cold and miserable, sees Jim, happy in the enjoyment of a hot mutton pie, "sneaked" from a neighbouring shop, the ultimate penalties decreed by nature are far too remote as deterrent influences to have any effect upon his mind, even if he has any knowledge of, or belief in, their existence.

Assuming that Jim is arrested and tried for the theft of the mutton pie, it is clearly right that the Court should give the fullest consideration to all the circumstances which lead him to commit the offence, but precisely the same circumstances in all probability surround and govern the conduct of Joe, who has not stolen. If, therefore, the treat-

ment of Jim by the Court be purely pathological, what is the effect upon the mind of Joe? Not only has he lost the enjoyment of the mutton pie, but he has lost, what is of far greater importance, the sympathetic and beneficial treatment which will give the peccant Jim a far better chance in life. The problem of reconciling the apparently conflicting needs of punishment and beneficial treatment is undoubtedly the greatest which confronts a magistrate dealing with delinquent children.

Without therefore adopting the American view in full, it may still remain true that in England the idea of punishment retains too prominent a position, and that it behoves us to inquire much more fully into all the circumstances and conditions that have led up to the commission of an offence than we have been accustomed to do. *Tout comprendre, c'est tout pardonner*, is a saving maxim in all relations of life, but in none so much as in the treatment of children, and the American Courts are surely right in laying supreme emphasis upon the question, not "What has the child's past conduct deserved in the way of punishment?" but "What past conditions have led up to this conduct?" This question does not exclude the idea of punishment; in many cases it includes it.

PROCEDURE

The great essential in the regulation of Children's Courts is to secure the utmost possible simplicity in the proceedings. All formalities tend

to confuse a child's mind, and every formality that is not absolutely necessary should therefore be abolished. English law has not even now recognised fully the essential difference between the trial of an adult and the trial of a child, and the old formulæ provided for dealing with the one are held applicable in most respects for dealing with the other. The course of procedure is regulated by the Summary Jurisdiction Act of 1879, and applies generally to adults and children alike, the only differences being that the Court has a much wider jurisdiction over children, and that if the child is under twelve years of age his parent, and not he, has the right of electing trial by jury. This right of election causes an almost hopeless initial confusion in the minds of both parents and children. "Young persons," *i.e.*, those children between fourteen and sixteen, have the right themselves to "elect." Section 11, Sub-section (2) of the Act provides that "the Court, at any time during the hearing of the case at which they (*sic*) become satisfied by the evidence that it is expedient to deal with the case summarily, shall cause the charge to be reduced into writing and read to the young person charged, and then address a question to him to the following effect: "Do you desire to be tried by a jury, or do you consent to the case being dealt with summarily?" with a statement, if the Court thinks such statement desirable, for the information of the young person to whom the question is addressed, of the meaning

of the case being dealt with summarily and of the assizes or sessions (as the case may be) at which he will be tried, if tried by a jury."

Could anything better illustrate the hopelessly antiquated attitude of the law towards the child than this amazingly solemn and cumbrous provision for the method of his trial? It is doubtful if there is one boy or girl of fourteen in a thousand who would have any idea of what "being dealt with summarily" means, unless it be that he is to be birched at once without bothering to enquire any further into the matter. It is true that an explanation *may* be given afterwards, but, if the strict letter of the law is adhered to, it is necessary that the question should be first put in the exact words of the Statute. Imagine the effect upon a child's mind! He comes into Court already frightened and confused. After several witnesses have been called the charge is to be solemnly read out to him, "for that he did on the —— day of —— feloniously and burglariously break and enter," &c., then comes the (to him) utterly unintelligible question. By this time he has quite lost all hope of even partially understanding what on earth it is all about, and relapses into a sullen silence, which no subsequent explanations can overcome.

It is surely time that a reasonable practice should receive legislative sanction, and be made universal and obligatory.

I have never in my own experience met any

parent who desired to have his child sent for trial, or any "young person" who desired to go for trial himself. If it is really necessary to retain this right of election, it would be far better to have the intimation of the right printed upon the notice served upon the parent and a special notice given to the "young person," before he attends the Court, by the superintendent of the remand home.

Further, the provision that the Court is "to become satisfied *by the evidence* that it is expedient to deal with the case summarily" is quite unnecessary. No magistrate would nowadays dream of committing a child or "young person" to the assizes or sessions if the offence were one with which the Court of Summary Jurisdiction could deal. Out of 12,823 juveniles charged in the various Children's Courts for offences under the Larceny Act in 1914, only seven were committed for trial. A strict compliance with the provision involves hearing evidence, which is then solemnly transcribed, but about which there is no dispute. If the child is quietly told by the magistrate in the simplest possible way what the exact charge alleged against him is, he will, in nine cases out of ten, at once admit it. If he does admit it the detective in charge of the case, or some single witness can give all the necessary facts, and the child will then have the opportunity of saying whether there is anything in such statement which is not true, and what his

version is of the exact occurrence. If children are given the opportunity of standing beside the magistrate and talking to him quietly, and, more or less, privately, they generally display the most surprising candour and truthfulness. In my own experience I have not found that more than about one child in every twenty denies the facts alleged against him, and that where such facts are denied the child is often right, and a mistake has been made by the prosecution.

A child who denies the charge is quite incapable of properly conducting his case or cross-examining the witnesses, and the magistrate should hear the child's own story and cross-examine the witnesses for him.

CHILDREN'S ADVOCATE

It has been sometimes urged that in the interests of the child and of justice, a children's advocate should be appointed to defend each child and watch over his interests. It is submitted that this step would be a most undesirable one, and would serve neither the interests of the child nor of justice. The child's own story, told to the magistrate without legal formality, is far more impressive to his mind than the utmost eloquence of the most skilled advocate, and certainly more likely to lead to the whole truth becoming known.

A glance at the latest American views on the above questions may be interesting.

"It is often argued," write the authors of

"Juvenile Courts and Probation," "that the child should not be questioned because of the constitutional guarantees protecting defendants. This view is entirely out of harmony with the theory of Juvenile Court procedure, which does not regard the child as a defendant in a criminal action, but as a child for whom the Court may be called upon to act in the role of parent. . . . For the effect upon the child itself, it is always helpful to get from him, or her, a statement of the reasons for being brought to Court. It is the direct and natural method of approach. . . . The child should be interviewed outside the hearing of any other person. . . . The important thing is to get the truth from the child. A sympathetic judge is more likely to succeed by gaining the confidence of the child before hearing witnesses. Where this process is reversed, and the child is heard after an array of witnesses, it is not surprising that he takes refuge in evasions. . . . It is essential that the hearing should be as informal as possible. . . . The judge who says, 'Well, Johnnie, this paper says that you have stolen three pairs of pigeons from Sam Jones,' is more likely to get an honest and open response than the judge who begins by hearing witnesses before going to the boy for his story. Furthermore, it is better for its effect upon the child."

When the charge has been either admitted or proved, it becomes necessary to ascertain the fullest possible details as to the child's antecedents,

home surroundings, school character, &c. In London all these facts are procured by the school attendance officers of the County Council, who, in my experience, deal with these matters most efficiently and fairly. They furnish particulars of the home, the number of children, the father's work and wages, the child's habits and school attendance, &c., all of which are essential to determining what is to be done with the child. It is desirable, in addition to these facts and figures, to obtain a written report from the headmaster of the school which the child is attending, or has last attended. These reports are generally admirable, and often show an astonishing knowledge of the character and habits of the child, and a real appreciation of, and sympathy with, his special difficulties and temptations. In country districts, where other means of attaining facts are in some ways less obtainable, the schoolmaster's report should always be required. The practice of relying for information only upon the police is clearly unsatisfactory.

In America the greatest possible importance is laid upon obtaining the above facts, but the method of doing so is different. The whole burden is there laid upon the probation officer, who has a preliminary and informal hearing which the parents are summoned to attend. After making the fullest enquiries he prepares a written report, which sets out in detail all the facts as to the child's history, home surroundings, &c. This

report is placed in the hands of the judge as each case comes up for trial. When children are put on probation this system has the advantage of making the probation officer thoroughly familiar with all the circumstances of the case before he undertakes the care of the child, and it also furnishes a *dossier*, which remains on the records of the Court, of every child tried in it. The London system, under the ægis of the County Council, is, however, so efficient and satisfactory that I should personally regret to see any change made in this respect. The officials of the Council, in the Old Street district at all events, have invariably shown themselves ready, not only to procure all possible information, but to take great trouble outside their mere official duties, in taking a personal interest in the children.

A great defect, however, in the English Courts as compared with the American is the absence in the former of medical reports. This absence is, of course, due to the divergence of views as to the nature and treatment of juvenile delinquency, with which I have already dealt. In England it is thought sufficient to divide children into the two classes of normal and mentally defective, but in America the child's physical and mental condition is in all respects fully reported upon and considered. It is submitted that without such a report, and without the means of acting upon it, children's cases cannot be fully and efficiently dealt with.

CHAPTER III: REFORMATORY AND INDUSTRIAL SCHOOLS

¶ *Historical Sketch. Children Who May be Sent. Present Position of the Schools. Private v. State Ownership. Management. Classification. Training. Nautical. Trades. Agriculture. Discipline. Self-government. Boarding Out. Girls' Schools. Training of Girls. Outside Influences. Summary of Conclusions.*

THE religious and moral revival at the close of the eighteenth century brought with it a hitherto little-felt interest in the welfare alike of adult criminals and delinquent children, one of its outward manifestations being the founding of the Philanthropic Society. Its object was to look after the children of convicts and to take charge of some of the younger criminals with a view to their reform.

Working at first without legal recognition, it succeeded in securing in some cases pardons made conditional upon the youthful offender undergoing the discipline of the society's institutions.

In 1837, the Parkhurst Act was passed, which established a prison for those under 18 years of age who had been sentenced to transportation. This prison accommodated 600 inmates and was run somewhat upon the lines of a modern Borstal institution, though with far stricter discipline. The inmates attended school on certain days and did agricultural work on the adjoining farm; a few being taught useful trades. If after two years, a good character was earned, the youth was then sent to Australia. By degrees the system developed and the society was enabled to make greater

use of their farm school at Redhill, originally established in the year 1788.

Between 1846 and 1854 various efforts were made to pass a Reformatory School Act, and in the latter year Lord Palmerston succeeded in doing this. In 1857 the Act was amended, and the Rev. Sydney Turner, who had taken a very active part in promoting the scheme, was appointed inspector of prisons and reformatories. "Nothing," he wrote, "has been more certainly demonstrated in the practical development of the reformatory system than that juvenile crime has comparatively little to do with any special depravity of the offender and very much to do with parental neglect and bad example."

In 1866 the Act was passed which is still in force. Under its provisions (slightly modified as to age) the following classes of juvenile offenders may be sent to a reformatory:—

1. Children between the ages of twelve and sixteen who have been convicted of any offence punishable by penal servitude or imprisonment.

2. Children under the age of fourteen who have been so convicted after a previous conviction.

3. Industrial School children too unruly to be retained in such schools.

The idea of an Industrial School appears to have originated in Scotland, the first being established there in 1850. It received vagrant as well as delinquent children. By degrees other schools were established, and in 1854 they received legal

recognition. The success of the system led to its adoption in England, and in 1857 the first English Industrial School Act was passed. This was amended in 1866 by an Act which is still in force, and, with certain modifications, introduced by the Children Act, 1908, still remains the law. Section 58 of the last-named Act defines the classes of children who may now be sent to Industrial Schools. It provides as follows:—

"Any person may bring before a petty sessional Court any person apparently under the age of fourteen years who:—

(a) is found begging or receiving alms (whether or not there is any pretence of singing, playing, offering anything for sale, or otherwise), or being in any street, premises, or place, for the purpose of so begging or receiving alms; or

(b) is found wandering and not having any home or settled place of abode, or visible means of subsistence, or is found wandering and having no parent, or a parent or guardian who does not exercise proper guardianship; or

(c) is found destitute not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing penal servitude or imprisonment; or

(d) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child; or

(e) is the daughter, whether legitimate or illegitimate, of a father who has been con-

victed of an offence under Section 4 or 5 of the Criminal Law Amendment Act, 1885, in respect of any of his daughters, whether legitimate or illegitimate; or

(f) frequents the company of any reputed thief or of any common or reputed prostitute; or

(g) is lodging or residing in a house or the part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction or prostitution of the child . . . and the Court . . . may order him to be sent to an Industrial School."

It will be observed that Industrial Schools have accordingly two functions, which, theoretically at least, should be wholly distinct. Their first object is to act as reformatories for the younger and less hardened delinquent children, and their second to provide for those who, through no fault whatever of their own, are found living in undesirable conditions due to the evil propensities of their parents.

THE PRESENT POSITION OF THE SCHOOLS

There are two ways in which the position and the work of the schools at the present time might be here treated, *viz.*, by giving a careful, systematic, and analytical account based on Home Office statistics, or by simply recording my own views and impressions derived from visiting a good

many schools and by coming in direct contact with a fairly large number of the inmates, both before and after conviction. I have felt that the latter course would be of greater interest and utility, as the Departmental reports are open to all, and complete and accurate information upon the subject can be there obtained. I have only seen a limited number of schools, but I think they include schools of every kind and that they are fairly typical of the remainder. I have had the advantage of visiting several in company with the late C. E. B. Russell, H.M. Chief Inspector, and of many a long talk with him on this subject, in which we were both so deeply interested. His recent death has been a very heavy loss to the certified schools under his care. His whole heart was in the work which he had undertaken. His life, even before he became Chief Inspector, had been devoted to the interests of boys, and I have never known any man who could more readily enter into their point of view, or more quickly and effectually establish friendly relations with each. The visit of the Chief Inspector was, to the inmates of the schools at least, not a thing to be dreaded, but a joy to which to look forward. Wholly free as he was from any mere sentimentalism, he showed the strongest determination to protect every child under his charge from injustice and unkindness, and to secure the best possible conditions of life in all the schools throughout the kingdom. Whilst his sound commonsense was

never carried away by fads, he gladly welcomed every suggestion which could raise the tone of the schools under his care, and showed his broad-mindedness by his approval of that great, but daring experiment, "The Little Commonwealth." One of the very last acts of his life was his visit to this colony and his recommendation to the Home Office, which has since been carried out, that it should be certified as a Reformatory for boys and girls. This is the boldest and most hopeful step that has ever been taken since reformatories were first instituted, and there can be no doubt that it will have very far-reaching effects upon the whole reformatory and industrial school system. (See pp. 145-164.)

Although he has been, of course, in no way responsible for the views expressed in this chapter, I feel sure that most, if not all of them, are in harmony with the broad lines upon which he acted, and I can never forget my great indebtedness to him for the insight he gave me into the splendid work which he did so successfully. The zeal, however great, of a government department or official for developing and improving the schools upon right lines, can only bring about the best results if it is approved by public opinion and assisted by the managers of the schools themselves. It is in the hope that, in some small degree, the views and impressions of one quite outside the department may help in this direction that they are here set down.

When one considers that about 3,600 boys and 850 girls are annually sent to Industrial, and 1,200 boys and 140 girls to Reformatory Schools, it is surprising how little public interest is taken in their fate when they get there. The popular view is that these boys and girls are children of the State and the State must look after them, and there the matter ends. Yet the State is but the aggregate of its citizens, and the individual responsibility of each citizen for the act of all is in no respect so great as in the treatment of the children.

It is to be borne in mind that the great majority of these schools are private institutions. Many are owned and managed entirely by private persons, a few by societies, a few by religious communities, and a few more by the education committees of various County Councils. The direct control of the State over them is thus limited. The Home Secretary has the right, through his inspectors, to visit and on their advice to refuse the certificate which secures a government grant to the school, but here his power practically ends. Under these circumstances it is, of course, natural that they should vary greatly, but, since none of them could continue without the government certificate and grant, they have all of necessity to conform, to some extent at least, to the requirements of H.M. Chief Inspector. His task is an exceedingly difficult and delicate one, requiring the utmost tact combined with a love for and

understanding of children and earnest desire for their welfare.

That Mr. Russell did all in his power to bring every school in the country to the highest possible standard of efficiency, and that he worked upon the most modern and enlightened lines, there can be no question, but I am quite sure that he would have been the first to agree that very much still remains to be done before they attain that standard of perfection to which the nation has a right to aspire. The more public opinion is interested in this question, the more quickly and easily will this result be obtained.

On the whole, in spite of all imperfections, the schools are undoubtedly doing a valuable work, although I believe them capable of doing a much more valuable one. I have seen many good ones, a few of unusual excellence, and only one that seemed to me to be bad. I have, however, again visited this particular school and found that the influence of the Chief Inspector had brought about a change. A most excellent superintendent has now been appointed, and he is working hard under most difficult conditions to raise the standard of the school.

I am deeply indebted to the various superintendents who have always given me the most cordial welcome on my quite unexpected visits, and have assisted me in every way in thoroughly investigating the conditions of the school, and talking privately, if I wished, to any of the in-

mates. I have called at different times of the day and seen the children in all the various conditions of their school life.

SCHOOL MANAGEMENT

The tone of a school depends primarily upon its superintendent, who is appointed by the committee of management. As these committees are associations of private persons with varying aims and ideals, it follows that the schools also vary greatly. To some the religious atmosphere of the school is chiefly important, to others material prosperity, to others discipline, and to others again general efficiency. Such uniformity as exists is secured by the influence of H. M. Inspectors, who advise and persuade, and, if necessary, threaten. If their suggestions are systematically disregarded the school can be closed, but as there are too few, rather than too many, schools, and as large sums of money have often been expended upon them, this is a course which a Chief Inspector is necessarily reluctant to recommend. The fitness of a superintendent for his position is of such paramount importance, that it must be secured, however, at all costs, even that of closing of the school, and I have accordingly found that most superintendents are admirably chosen, and take a deep and real interest in their difficult work. Great as is the influence possessed by the headmaster of a public school, that of the superintendent is far greater. He is in constant touch with the boys

under him from one year's end to another, unbroken by holidays and home influences. He has further enormous power over each boy's present and future welfare. With him it mainly rests whether a boy shall be allowed out on licence, what trade he shall follow, and what becomes of him when he leaves the school.

The Committee has, of course, theoretically, the control of these matters, but it is upon the advice of the superintendent that they are compelled in practice to act. The position of superintendent is one which requires unusual qualities of character, sympathy, knowledge, experience and ability. It further carries with it such power for good or evil, that it is to be regretted that its importance as a profession has been too little realised.

THE QUESTION OF PRIVATE MANAGEMENT

How far it is desirable that the schools should remain under private management instead of direct State control is a question of much importance. Undoubtedly the private managers have a strong historic claim. It was owing to the kindly feeling and initiative of their predecessors that the schools originally came into existence, and considerable sums from private sources have been spent upon the buildings. It is also claimed that private managers can take a greater interest in, and make better after-provision for the boys and girls

under them. On the other hand, there are serious drawbacks to the present system. Although the State and the local authorities contribute the entire necessary cost for the maintenance of each individual inmate, they have no direct control over the expenditure. The more children there are in a school, the more easily it is made to pay its way. Hence, if a school is short in numbers, it is a great temptation to keep children too long in it, instead of letting them out on licence. The better behaved the boy or girl may be, the greater is the natural unwillingness of the managers to allow him or her to go, and the more inefficient is the management and the less scrupulous the superintendent, the greater the unwillingness to part with the best inmates, since these not only have a restraining influence upon the others, but earn money for the school. Thus the least efficient schools retain their boys and girls longest. This, it is submitted, is a real evil, and it is one which it is very difficult for the Home Office to control. The Industrial Schools insist that children shall be committed to them until sixteen, and the Reformatory Schools until nineteen years of age. The magistrate, therefore, has no power in the matter, although he may be convinced that a much shorter period of detention would be sufficient. The Home Office can recommend that a particular child shall be allowed out on licence, but if the managers reply that in their judgment it is not a proper case for discharge, it is difficult for the

Home Office to insist, although, in point of fact, the late Chief Inspector did not hesitate to do so when he was convinced that this is the right course. Many children are undoubtedly detained in schools far too long. It is a wrong to the child, who is thus handicapped in making a start in life, a wrong to the parents, to whom he could be of assistance, and a wrong to the community which has to pay for his keep in the school. As long ago as 1895 the Departmental Committee reported: "The licensing system should be far more generally adopted for both boys and girls; a child should be licensed out at the earliest moment he is fit to go." Since then licensing out has, of course, greatly increased; but, for the reasons I have pointed out, it is the least enlightened schools which make the smallest use of it. If all schools were under direct State control early and uniform licensing out could, of course, be much more generally secured.

"Early licensing out," said Mr. Russell in his report for the year 1916, "is in more general use and the number of cases in which, when the circumstances warrant it . . . children are being allowed to return home within eighteen months of their committal is very satisfactory. I am particularly anxious that whenever possible Reformatory boys and girls should be tried on licence within three years of their committal. . . . It should not be forgotten that it is not the bad home so

much as *bad companionship* that leads to a lad's downfall."

If private ownership is to continue, it is at least essential that greater powers should be conferred on the Chief Inspector of affixing a series of conditions to the granting of his certificate and enabling him to dictate to every school supported by a public grant the exact lines upon which it should be conducted, the class of boys, or girls, which it should receive, the special nature of the instruction which should be given in it, and the cases that should be transferred to other schools.

Where the managers of a school refuse an application by the parents of a child for discharge on licence, the Court which originally made the order should have power to vary or discharge it. There is a direct precedent for this in the case of children placed on probation. The reports of the Court missionary and the attendance officers as to the improvement, or otherwise, of the home conditions of the parents would place the magistrate in a better position to judge than are the managers of the school, and it is clearly more in the interests of the liberty of the subject that the question of whether or not a child was being detained for an unduly long period of time should finally rest in the hands of a judicial tribunal rather than in those of a body of private individuals having a direct interest in the issue. The Court should further be given power, when passing sentence of detention in a school, to fix a date

upon which the question should come up for further consideration. This would be an immense inducement to the child to do well in school and to the parents to improve the home conditions, while in the case of a child whose parents had disappeared or abandoned all interest in him, the Court would be enabled to protect his interests by insisting that he should be given the opportunity of obtaining a discharge on licence if suitable work were forthcoming for him. "I am confident," wrote Mr. Russell in the report above quoted, "that long periods of detention in any institution, no matter how excellent it may be, do not quicken, but rather deaden, the intelligence."

CLASSIFICATION

A further serious drawback to separate private management is that it makes any system of classification exceedingly difficult, if not impossible. It has already been noted that children are sent to Industrial Schools on two entirely different grounds, and these different classes of children are in practice all sent to the same school. Thus it may happen that a girl of thirteen who has been living with prostitutes, a girl of twelve who is a thief, and a destitute child of four found wandering may all be sent to the same school on the same day. This condition of things has often been strongly commented upon, and it has been urged that delinquent and merely unfortunate children

should be received at different schools. While it may be desirable that there should be greater differentiation by age, I question whether the mingling of delinquent and unfortunate children is as great an evil as it may at first sight appear. The fact is that the commission by a child of a particular offence by no means necessarily points to any abnormal evil in the child's own nature. The plucky, high-spirited boy with no natural outlet for his spirits is much more likely to do wilful damage, or even to commit burglary than the mean and cowardly one. Being less afraid of punishment, he is also more likely, if the home control is insufficient, to continue his misdeeds and so end in an Industrial or Reformatory School. He is often far less morally corrupt than the child who has lived in vicious surroundings but has never been caught in the actual commission of an offence. The former, under good influences and with a proper outlet for his ambition and high spirits, will soon become a credit to his school, while the latter will often remain a source of trouble to it. If, therefore, there is to be a differentiation of classes for different schools, I am convinced that this differentiation should not depend upon the particular charge on which the child was committed. The true basis should be, not that of what the child now is, but of what can be ultimately made of him.

At present each school is an individual and self-sufficient entity, having no correlation with other

schools. It is impossible, even after the most careful enquiry, for the Court or the County Council Committee, to determine upon a child's future, and it consequently happens that a boy who longs for the country and would make an excellent agricultural labourer, is shut up in a London school to learn a trade which he dislikes, while the farm schools, on the other hand, with many acres of ground, find that at least half their boys are unfitted for agriculture, and so employ them in workshops. Many boys, again, with a real desire for the sea, find their way to inland schools where there is no nautical training whatever. In order to try and provide for the varying needs and capacities of their inmates, each school is now obliged to struggle to supply as many different kinds of training as possible, with a consequent lack of real efficiency in any. Although the Home Office urges upon managers the desirability of transferring boys with no taste for the sea from nautical schools, and boys, who have that taste, to such schools, this would obviously be only a very partial solution of the difficulty, even if managers showed a greater readiness than they do to carry out the suggestion.

If, however, all schools were under direct state control, the difficulty would be greatly lessened, and a much higher standard of technical efficiency attained. A boy, after some time spent in a preliminary or general school, where his character, tastes and abilities could be studied, would be

drafted on, at the age of fourteen or less, to a nautical, farm, engineering, military, or other special school. Such school, having only to provide technical instruction in one particular subject, could procure the best teachers and material, and provide the most favourable conditions for such instruction.

In the same way different standards of discipline could be provided in different general schools. A boy who had proved diligent, and of good conduct, could be sent to a school with a less rigid discipline, a boy who had been unruly and ill-behaved to a school with more rigid discipline. This would not only be an immense incentive to good conduct, but the relaxation of discipline in the final school would prove a preparation for complete freedom in the world outside.

The principles of "The Little Commonwealth" (whose work is considered in a later chapter) would form an excellent basis for the government of, at least, the higher class of school, if not of all schools.

It is submitted, then, that the balance of advantage is strongly in favour of direct state control.

TRAINING

That the training and discipline of Industrial and Reformatory Schools form an excellent preparation for the Army, the mercantile marine, and, indirectly, the Royal Navy, there can be no question. The high standard of conduct required for

recruits to the last-named service has made it necessary, in most cases, for boys from schools to serve first in the merchant service, when, if they have there earned a good character, they can be subsequently transferred to the Royal Navy. In view of the fact that comparatively few boys, in Industrial Schools at all events, are of really depraved character, it would seem to be desirable to make an entry to the Royal Navy more easy for boys who have done well at school. And this has been recently to some extent done "during the period of hostilities," The privilege will, however, no doubt be continued.

The record of the schools during the war has been a magnificent one, and gained the highest praise from Sir John Simon when Home Secretary.

It is, however, to be feared that the preparation in the schools for civil employment is by no means so successful.

The inevitable tendency of continuous submission to discipline is to deprive the subject of it of personal initiative. He has so long been accustomed to obey orders and governed by routine in every act of his life, that, when these cease, he too often finds himself at a loss how to guide and control himself. This is equally true of girls as of boys, and most of the failures of both on their discharge from schools are due to this cause. The more strict the discipline of the school, and the longer the child has been in it, the greater is the

risk of such failure. It is essential, therefore, that for some time before discharge children should be given a very much larger measure of freedom, and taught a greater degree of self-reliance. The best schools, no doubt, do their utmost to secure this end, but under the present system it is difficult to do so fully. A correlation of schools on a progressive system, such as I have already suggested, would greatly minimise the evil.

NAUTICAL TRAINING

While the present conditions remain, it would seem desirable that much more attention should be devoted to nautical training than is given at present. The discipline of a ship follows naturally upon the discipline of the school, and the very characteristics which originally produced delinquency, when developed and guided tend to make good sailors.

In view of these obvious facts it is strange to note that out of nearly fifty industrial schools in England only four are nautical, and not one of these is east of Bristol or south-east of Cheshire; while of all the many schools in and around London, only one has even a nautical class, and this class trains not more than a dozen boys. In these Industrial School boys the State has splendid material for manning her ships; it is most regrettable such material is not more fully used. In my own experience I find the number of boys who want to be sent to sea very large and quite out of propor-

tion to the nautical training provided by the schools. As it is usually the best type of delinquent boy who wishes to go to sea, it is particularly hard that the young Londoner fitted for nautical training in an Industrial School can only receive it in Cornwall, Cheshire, Wales, or Northumberland. He is thus cut off entirely from his parents, brothers and sisters, who gradually lose all interest in and knowledge of him. When his training is finished he is sent off to sea, with all home ties destroyed, friendless and lonely, with no one to take a pride in his success and good conduct, and no home to welcome him on his return from a voyage.

There are several training ships doing an excellent work for destitute boys, but these will not take delinquent ones; and I know of no more useful, or hopeful, philanthropic enterprise that could be undertaken than the provision of training ships on the Thames, to which boys from the London Courts could be sent. There should be at least two of these, one certified as an Industrial School, and one for boys on probation who could, after a comparatively short stay, be drafted on to ships. The latter, by keeping in close touch with the shipping companies, barge owners, &c., would have no difficulty in finding berths for their boys. At present there is not only no such ship, but there is, as far as I know, no home or institution in London to undertake this work, and boys on probation wishing to go to sea have to be sent to Liver-

pool or Cardiff. The respectable and hard-working father of a wild and unruly boy will often say to me: "Can't you send him to sea, sir? He would do well there." When I am obliged to point out that this involves his going to a home in Liverpool, such a man will hesitate to give his approval. It must be borne in mind that going to Liverpool means not only temporary residence there, but shipping on a vessel the port of origin of which is Liverpool, and which will never, in all probability, put in to any port nearer London. A further and a very serious drawback is that the boy thus sent loses all touch with the Court missionary, under whose probation he is nominally placed. In the case of boys on probation, too, the homes are generally fairly good, and there is seldom any reason for separating them entirely from their parents. Will no public body or private philanthropist come forward to supply this need?

TRADES

The great majority of school inmates, however, will depend ultimately for a living upon their proficiency in some trade, and the teaching of such trades is the chief underlying idea of the whole system. Nearly all schools for boys teach tailoring, boot-making, carpentry, and baking; many add blacksmith's work and plumbing and some few printing. It is to be feared that the teaching is based too much upon the idea of doing work of direct and immediate use to the school rather

than upon securing to the boys the complete training which would best insure practical proficiency in each particular trade. Thus tailoring and boot-making are almost universally taught, because the boys must have clothes and boots, and such things also need constant repair. It is clear that such work done for school purposes is not the class of work that commands good wages outside, valuable as it may well be to a soldier, a sailor, or a colonist.

In November, 1916, the late Chief Inspector procured a report to be made by an expert in tailoring on the work of school tailoring shops. It is a depressing and unsatisfactory one. "The work," writes the expert, "is invariably of a rough character, as the materials for the school use of such boys must be very strong and unyielding and differ from the materials usually used in the production of ordinary tailoring. It is not possible to introduce a fine class of workmanship in such materials. The work must necessarily be of a rough and clumsy nature, and however expert a boy may become on such a task, his knowledge is of little use and has slight commercial value when he leaves the school. . . . Not five per cent. of the boys under instruction can work a passable button-hole. They have never seen a braided edge, a neat outside breast pocket, or a fashionably finished cuff. . . . The difficulty experienced by certain school managers in getting employment for the boys when their term is completed is due to the fact that the technical skill of the boys is

quite inadequate. When they do start on ordinary work they have to unlearn their clumsy methods and practically start afresh on regularly recognised lines. As a consequence they only receive the wages that would be paid to a beginner. The boys, after four years' instruction, start work at 6s. and 8s. a week."

What is true of tailoring must be at least equally true of boot-making, since, outside the schools, all boots but those requiring the highest class of work are made by machinery.

Carpentering is no doubt on a much better footing; indeed, to one like myself who has no technical knowledge, this work in many of the schools would seem to be admirable, and much attention is often paid to the finer kind of work and to the knowledge of drawing necessary for carrying it out.

The point is not so much the quality of the training at the school as the value to the boy after he has left it, and on this point the Departmental figures throw much light. Thus, in 1911, there were nearly 9,000 boys at work of various kinds who had been discharged from certified schools during the previous three years. Out of this great number only 151 were employed as shoemakers, 161 as tailors, 134 as carpenters, 67 as bakers, and 36 as blacksmiths, yet nearly all of the 9,000 had been taught one or other of these five trades while in school. From this it follows not only that the training of two, three, or four years

was practically wasted, but that boys leaving certified schools at sixteen have to start their new work on the same level, and at much the same wages, as the boys of fourteen fresh from the elementary schools, while the boys of their own age from the latter schools have acquired a skill and knowledge of the particular trade (if it be a skilled trade) to which those from the former cannot hope for nearly two years to attain. It is, of course, true that the learning of any trade is not without both educational and moral value, but at a time when special knowledge is of so great moment, this admission is hardly a justification of the system.

A further serious defect of the schools, if an outsider may venture to judge, is the complete want of any higher technical and scientific teaching. In none, for instance, is there any training in electrical work, in skilled engineering, or in the practical chemistry now essential to so many trades.

The answer, of course, is that under the present system it would be impossible to provide such training. With the remedy for this I have already dealt. On the vital importance of it to the nation as well as to the boys themselves I need not lay further emphasis.

AGRICULTURE

The teaching of agriculture is at present necessarily limited to a few schools. That so many

schools should be situated in populous areas is greatly to be regretted, and would seem to be utterly without adequate reason. There are in London alone over 1,000 boys and 200 girls shut up in Industrial Schools, and almost every one of these would be in every way far better in the country. In one London school there are 200 boys with nothing but an asphalte playground, so small that only a very small proportion of this number can use it at one time. This is unfair to the masters and unfair to the boys, as well as being uneconomical and unhealthy. However careful the training and sympathetic the superintendence, it is almost inevitable that the boys should look sallow, depressed and often sullen. Another London school, which sends many boys on discharge to farms, makes a brave but rather pathetic attempt to prepare them for this by instruction in a very sooty garden of about half an acre. The sites of both these schools are valuable, and the price they would realise would purchase many good acres of rich country ground. As a contrast to these most unfavourable conditions, one may instance a large school in the Midlands with as perfectly arranged a model farm as one could wish to see, and a Reformatory in the Southern Counties with nearly 200 acres of some of the most beautifully situated land in England, but under the present system the boys in all these schools, whether town or country, are largely engaged in the same industrial training. Until many

more schools are transferred to the country, it is surely essential that boys in farm schools should be engaged almost wholly in agricultural pursuits. The need for better trained agricultural labourers is vital, but the nation (that should have absolute control over these children, for whom it is directly responsible) is allowing one of the best opportunities of making valuable use of them to be largely wasted. My own experience of London children leads me to believe that there is a growing desire amongst them for the better and more healthy life of the country, induced largely, I imagine, by the admirable work of the various holiday associations and the increasing attention given in the elementary schools to nature study. Next to being sent to sea, I find the desire to be sent into the country the most common, and it is surely one which, in the highest interests of the State, should as far as possible be gratified. As in the case of would-be sailors I have urged the provision of training ships, so in the case of boys and girls who love the country I would earnestly advocate small farm colonies, not too far from London, not only as certified schools, but as places to which children on probation could be sent. Such colonies, by keeping in touch with the neighbouring farmers, would easily be able to find employment for their inmates, and could also provide board and lodging for those who obtained it.

The reluctance of the schools to train boys for agricultural work is, I think, due to several causes.

In the first place, few, as I have pointed out, have the proper opportunities; in the second, superintendents are seldom selected for particular knowledge of, or interest in, agriculture. In the third, the wages paid to agricultural labourers are low, and the schools have a not unnatural desire to show in their "after care" returns good financial results following from their instructions. The fourth, and perhaps most effective, reason is the great difficulty of finding good farmers who will "board in" their boy workers. This last reason has led to boys being largely licensed out to farms in Wales, where "boarding in" is common. "A satisfactory feature of the year," wrote Mr. Russell, in the same report, "has been the disposal to farm service in many districts of England to which boys have not hitherto been sent, and where better chances for the future offer themselves than commonly can be held out to boys working upon the small farms in South Wales, to which in the past they were more generally sent."

The number of farmers in most parts of England who will take boys to "live in" is so small, however, that there is an urgent need for such farm colonies as I have indicated. Here again is an admirable work waiting to be carried out either by public bodies or private philanthropists. An attempt to start such a colony on a small scale is now being made in connection with some of the London Police Courts.

DISCIPLINE

Officially the discipline in the schools varies little, but the tone and feeling vary greatly. How far the school is having a really beneficial influence upon its inmates can generally be gathered by a talk with them. In one school they will be found depressed, reserved, and suspicious. If a remark is made to them they draw themselves up to rigid attention, but reply indifferently and sometimes sullenly. In another the boys or girls are full of vitality, proud to show their work, ready to laugh, eager in their games, and delighted to have a friendly talk about their school and themselves. Even if the educational and industrial standard of the former is higher, one may be sure that it is the latter that is doing the better moral work and producing in the end the better men and women.

The great danger of institutional life is its tendency towards the destruction of self-reliance and individuality, and the stricter the discipline and the more systematic the routine the greater is the danger. I have found boys in the best schools as well-mannered, as friendly, and as interesting to converse with as the boys in a good public school. In the less sympathetically managed schools they are simply "juvenile offenders," and look it.

Some schools have adopted the practice of instituting a boys' scout brigade, membership of which is keenly sought after and obtained only as a reward of exceptionally good conduct. The boys elect their own captain and have a room set apart

for their own use. This is a valuable incentive to self-reliance and self-respect.

The monitorial system, though used largely in some schools, is by no means sufficiently universal. A great deal of the control now exercised by masters and teachers might well be left to the boys themselves. If the monitors are elected by popular vote it gives them a better standing with the boys under them, enables them to exact more willing obedience, and effectually checks bullying.

One large boys' school has established trial for all offences by a judge and jury chosen by the boys themselves. The superintendent assures me that it works admirably, and, if so, is worthy of being followed in other schools. The same system has also been recently adopted in one of the girls' schools, though there is no jury. I have just had the pleasure of being present at the sitting of the Court. It was held in the schoolroom and all the inmates were present. All complaints, whether by a mistress or a girl, are placed in a box kept by the clerk of the Court, who takes out each in turn and reads the charge. The judge then asks the complainant to make her statement and call any witnesses, and then calls upon the defendant and her witnesses.

The judge was a very bright, intelligent girl of fifteen, possessing both dignity and humour. Her decisions were swift and sensible, and appeared always to command popular approval. She is

elected by popular vote and retains office until deposed, or until she leaves the school. Her independence was shown by her dismissal of the only charge brought by the superintendent, who accepted the decision with complete equanimity. In one case the judge was the culprit, and passed sentence upon herself with a grave smile, to the great delight of the audience.

The principle had the warm approval of the late Chief Inspector. "What I am anxious should be developed," he wrote, ". . . is the placing of responsibility upon boys, allowing them to govern themselves in matters affecting breaches of rules, &c. . . . There is no more sure way of training character than to trust both boys and girls and to allow them as much liberty as possible during the time of their residence in the school. . . . After all, the children must be trusted some day, and they ought to be thoroughly accustomed to and responsive to trust before they go out into the world."

In the March, 1917, number of the *Certified Schools Gazette* he wrote:

"I am convinced that not only might the demands upon the time of officers of the schools be very considerably reduced, but that by a wise development on self-governing lines both girls and boys might be much strengthened in character, and finally sent out into the world much more fitted to play their parts than is the case at present.

"In too many schools a dull routine is followed

day by day—a routine which provides for almost every minute from the time the child gets up until he or she goes to bed, and goes to bed indeed in some schools at an unreasonably early hour because, forsooth, 'we should not know what to do with them if they stayed up longer, and they might get into mischief.' Automatically they rise at the ringing of a bell, like machines they are set to allotted tasks, then all troop in to breakfast and begin the meal simultaneously after a solemn and sometimes lengthy grace has been said or sung. And so through all the day, with only some short interval at noon, the child in many a school becomes the victim of a routine that produces an admirably well-ordered, tidy, clean, smoothly-working *institution*, but ignores the human *individual*, for whom, after all, the institution exists. Thus the child runs the risk of becoming a mere unthinking machine, with cramped and stunted soul. So strange and perverted indeed is the system, that from neither girls nor boys is any special energy or interest in their work demanded. No reward awaits the child who performs his task more quickly or better than another. In fact, he may have to wait until others have finished, or possibly may immediately be put on to some other work; but in no way is there any tangible encouragement of the child who in any direction rises above the common standard. All offences are punished—often on quite mechanical principles—by superintendent or schoolmaster, games are

supervised, and if there should happen to be a recreation room, there, again, constant supervision is deemed to be necessary lest the young people should get into mischief. And, in fact, if they *are* left alone for a few minutes they are probably careful not to disappoint the mistrust reposed in them. Dormitory doors, alas! in some schools are still locked (to suggest and encourage absconding!), and in general nothing is left to the girls' and boys' own sense of responsibility—indeed, they apparently are not credited with the possession of any sense of right at all, but treated rather as bound to do wrong, unless every kind of precaution is taken to prevent their showing any initiative whatever. Character, instead of being strengthened, is, I am much afraid, too often only dulled.

"I can see no reason why a very great amount of the management of a school should not be left in the hands of the inmates. They may, indeed inevitably will, make some mistakes, but nothing could be more educative, and it is far better that they should learn what mistakes have to teach while still at school than wait till they have left. Most schools provide special privileges of one kind or another for a small number of seniors, who are termed monitors or N.C.O.'s, but rarely is any part of the management of the school entrusted to them, and almost invariably it is the superintendent himself who appoints such boys. Now, the point of all I wish to advocate is, that

these monitors, or whatever they may be termed, whether boys or girls, should be appointed, not by the superintendent alone, but by the secret votes of the whole school, children and staff. An alarming suggestion, is it not? But, as a matter of fact, the children will generally choose the most dependable of their companions. This is proved by the experience of the few self-governing schools, and by the fact that when, as sometimes happens, a special prize is offered for the best boy as chosen by the secret vote of his whole school, I have never known the superintendent say the selection was a wrong one, and never has it failed to be almost unanimous. Once elected, the nominee of his or her fellows will find them loyally ready to support his authority and anxious to play their part in making the system a success. But supposing boys, *e.g.*, elect to an important position a lad who has won their admiration solely by his prowess, let us say, on the football field? Well, if he prove a bully or an incompetent fellow, incapable of maintaining the best traditions of the school, every boy will soon have discovered that skill at football, after all, is not the most important thing in life, and he will take good care to have more solid grounds for his choice at the next election. It will be just the same with girls.

There is no valid reason whatever why all minor offences, at all events, should not be dealt with by the girls or boys of a school themselves, assembled

weekly in a Court of their own, for children naturally have a strong sense of justice. It is certain that the dreary repetition of canings for every variety of error would no longer be the only method of correction if the administration of justice were left in the hands of the children themselves; whilst offenders arraigned before their peers would feel a genuine shame often wanting in the presence of adult lawgivers. It is remarkable how seriously children take the meetings of these school Courts, how decorous is the behaviour, how impartial the findings, how free from false sympathy or uncharitable satisfaction appear the assembled 'citizens,' or whatever they may call themselves."

In some schools the children of school age are sent to the ordinary elementary school in the neighbourhood. This appears to be an excellent practice and was strongly recommended by the late Chief Inspector. It keeps the children in touch with the conditions of outside life, prevents them from feeling themselves to be an isolated community of outcasts, breaks the dreary monotony of institutional life, and makes the school itself seem to them more of a real home. It would be difficult to find a brighter or happier group of children than that which can be seen any morning trooping off from one of the large London girls' industrial schools on its way to the elementary school.

BOARDING OUT

Some industrial schools, again, board out the younger children in the same manner as do the Poor Law Schools. This also, it is submitted, is clearly desirable. Children sent to schools under the provisions of Section 58, Sub-Section 1 (b), of the Children Act (*ante* p. 58) are far more akin to destitute children in Poor Law Schools than to juvenile delinquents committed under Section 107 (d) (*ante* p. 14). The attempted distinction between "children found wandering and not having any home" and children who are simply destitute has now very little meaning and survives as an anachronism, but it involves the committal of the former class of children to an Industrial School under the Home Office, while the latter are adopted by the guardians and placed in a Poor Law School under the control of the Local Government Board. Until the welfare of all children is entrusted to the care of one Government Department the anomaly will doubtless continue, but the evil of it could be lessened if all Industrial Schools made arrangements to board out their younger children. At present many schools do not take this course under any circumstances, and tiny children of four or five years of age are in consequence committed to schools the inmates of which are mainly juvenile delinquents of all ages up to fifteen. Section 53 of the Children Act gives full power to the managers of Industrial Schools to board out any child sent to

them under eight years of age. This power should, it is submitted, be generally exercised. Out of 1,047 children charged at Old Street Police Court in 1916, 25 were under seven years of age, and nearly all these were sent to schools.

GIRLS' SCHOOLS

Institutional life is even less desirable for girls than for boys, and whilst nearly all the foregoing remarks apply to schools for both, the special needs of girls deserve consideration. To them more than to boys, home life, home ties, and home affections are particularly essential, strict discipline and systematic routine more soul-destroying and morally enervating, individual care, interest and affection more vital.

While there are undoubtedly cases where strict discipline is necessary as a deterrent, it is exceedingly doubtful whether such treatment is ever by itself reformative. Hitherto the wash-tub and conventional theology combined, in varied proportions, have too often been regarded as the sole cure for the evil tendencies of girlhood, and it is little to be wondered at that the majority of girls prefer prison to a voluntary "home." One is glad to note that the schools have, for the most part, attained a higher ideal than this, although in some there is still too great a tendency to work upon the old lines. Happiness is particularly essential to girlhood. Boys often commit offences out of sheer exuberance of spirits, girls almost in-

variably because they are neglected, lonely and miserable. High spirits will make a girl impatient of restraint and cause her to risk her life in escaping from confinement in a home, but they will very seldom make her a thief. The last thing that was formerly thought of in institutions for girls was their happiness; it should be the first thing. In some of the schools, even now, there is little provision made for games or healthy exercise. The life in such schools is dreary and monotonous to a degree, and it is little to be wondered at if the inmates, upon their discharge, try to find a little of that joy of life which they have never known in the only way which seems open to them.

"As regards the girls' schools," wrote Mr. Russell, "I fear that there are still too many in which little girls are employed to an excessive extent upon heavy household work, such as scrubbing and cleaning floors, work fitted for a strong, healthy charwoman, but not at all suitable for the little child for whom the Industrial School is supposed to take the place of home, but for whom I have sometimes a qualm that it becomes the abode of soulless drudgery."

Inter-school competitions for girls are now held at which prizes or cups are awarded to the schools most successful at Net-ball, Dancing, Swimming, Needlework, Recitation, and Singing. These competitions, instituted by the Chief Inspector, are of great value in bringing home to the minds of managers and superintendents that the responsi-

bility for improvement must ultimately rest with them, and enabling them to judge how far their own particular school falls behind others in various respects.

THE TRAINING OF GIRLS

The problem of the training of girls in a Reformatory or Industrial School is, superficially, a much simpler matter than that of boys, but the very obviousness of its solution, *viz.*, that of preparation for domestic service, is in itself a danger. While it is, of course, true that this is the most fitting employment for the majority of girls, to assume that it is the only possible one is the very way in which to make a high-spirited girl revolt against it. Life in a girls' school is apt to be more monotonous than in a boys'. Scrubbing floors and washing clothes and dishes gives no occupation to the mind and is in itself no moral training whatever. Girls to be healthy and normal need healthy exercise, games, amusement, and dancing. In some schools they get practically none of these. Gardening, too, is a real and most useful pleasure which should be fully cultivated; it is often quite neglected. The late Chief Inspector strongly urged this point in a circular letter of January, 1917, pointing out that a knowledge of gardening will make a girl, should she come to possess a cottage garden of her own, not only a happier and better wife and mother, but also a more useful citizen. "Many schools," he wrote,

"are now instructing their girls regularly in gardening, a subject which, for reasons unconnected with the question of disposal, should in future not be omitted from the scheme of life of any school. But in addition I should like to see an effort made to place the girls, particularly Reformatory girls, as gardeners when the time comes for them to leave the schools."

A large institution is by no means an ideal training place for domestic service. The conditions of living in one are so wholly different from those in the small villa, in which a girl will probably find her first situation. In the former the food is cooked in huge cauldrons, the rooms are heated by hot-water pipes, the table arrangements are of the crudest simplicity, there are few of the delicacies and refinements of life to be found even in the humblest suburban home. A girl going from such a school to her first place oftens finds herself at a loss how to carry out the simplest domestic duties. Her mistress thinks her a fool and treats her as such; the girl is discouraged, leaves her situation, and sinks lower and lower in the scale, to hopeless failure.

There can be no doubt that if girls are to be trained together in large numbers for domestic service, the cottage system, adopted in the Barnardo Homes at Barkingside, is by far the most efficient. The cottages should resemble as far as possible homes of a similar size outside, and the elder girls should be more and more entrusted

with the control and management of them as their time draws near for leaving. Most of the schools, no doubt, fully realise the problem indicated, and are doing their utmost, and often with great success, to solve it. Some of them are wonderfully home-like, and the children are correspondingly happy, but in others the strictly institutional ideas and habits still prevail. One of the best girls' schools I have seen possesses a house within the grounds entirely set apart as a home for old girls. It is complete in itself, with sitting-rooms, kitchen, bedrooms, &c. All former inmates may come and stay there when they please, managing the house entirely by themselves, while girls in service in the neighbourhood can visit it at any time, obtain a simple meal, read and write there, and find friends amongst their former schoolfellows.

OUTSIDE INFLUENCES

It is too often the view amongst school managers that the parents of the children are thoroughly bad and undesirable people, and that one of the great objects of the school should be, as far as possible, to cut off communication between parents and children. It is, of course, true that in many, probably most, cases the parents are largely to blame for the offences which have brought their children to the school, but the influence of even neglectful and careless parents is not wholly bad, and it is very seldom indeed that the natural

affection for their children is entirely dead. Many schools now, not only give every reasonable facility to the parents to see their children in the school, but also allow the latter occasionally, when the home is fairly good, to return to it for a holiday. This is a practice worthy of all encouragement, but it is by no means universally followed. It seems to be forgotten that, bad as outside conditions may be, they are, after all, the conditions with which children on discharge will of necessity become familiar, and that the most perfect school ever dreamed of cannot adequately compensate for the lost affection of even a very indifferent parent. There is no more potent inducement to neglectful parents, whose affection for their children still exists, to improve their home conditions than the hope that by so doing they will hasten the time when the boy or girl will be able to return. Even the most indifferent mother will feel a thrill of pride and affection when her boy returns from his training ship in his smart uniform with the stripes of a petty officer on his arm, and she will do her utmost to prevent his feeling ashamed of his surroundings. Mr. Russell gave an instance of a mother who had been addicted to drink and with a very unsatisfactory home. So anxious, however, was she to see her boy that when the holiday time approached the education authorities were able to report: "She has put her home in such order that it was a treat to go into it, considering what it has been, and she has not been drinking

for some months. The money for the boy's fare she has already put on one side."

"I believe," concluded Mr. Russell, "that very much indeed may be done through the agency of home leave to raise the standard of many homes, whenever there is real affection for children in the hearts of the parents. As a matter of fact, such affection does usually exist, in spite of the undesirable habits into which parents may have fallen, but from which they may sometimes be saved through a real deep-seated affection for their children."

Several boys whom I have sent to one of the training ships which gives holidays, have been to see me lately, and they are lads of whom a parent might well be proud. In one case the very sensible course had been taken of letting the boy look out himself for work to which to go on his discharge, and I found that the friend, who was helping him to find it, was the detective who had originally charged him and obtained his conviction. The police are, for the most part, very ready to assist boys, and with a little greater encouragement would, I am sure, gladly do more.

Even in the best schools, happy and well cared for as the children are, there is a real need urgently felt by them for some interest, friendship, and affection outside the bounds of the school, which no kindness on the part of teachers can wholly supply. To understand children one needs to put oneself in their place by recalling one's own lost

childhood. However happy we were in school, did we not eagerly count the days to the holidays and long for the affections of home? But what of the Industrial School child, for whom there are no holidays at home, no visits, no hampers, no letters, no personal affection from anyone in all the wide world, nothing but the same routine in the same surroundings amongst the same companions, day after day, month after month, for five or six or seven monotonous years? I have received many letters from boys and girls in various schools throughout the country that leave no doubt as to the truth of this need.

Boys are less demonstrative than girls, but I have met both who broke into bitter sobbing at a word about the outside world and home and parents. I have written this at the risk of being thought a mere sentimentalist, because I believe it has a real practical value. There is an opportunity here for those who would fain do something but have no money to spend in conventional philanthropy, to take a personal interest in some one boy or girl in a school, to pay an occasional visit, write now and then, or send a Christmas or a birthday card. Such trifling acts of kindness would give happiness out of all proportion to the trouble taken, and would have a really beneficial effect upon the recipient. At the end of his or her period of detention, so much, too, could be done by friendly thought to assist in commencing the new career in the strange and

often friendless outside world. Care and discretion would, of course, be necessary, but given these I am sure that the best superintendents would welcome such aid as this. The children themselves would in most cases well repay this little attention.

It is commonly imagined that these school children, if not actually depraved, are, at best, dull, ill-mannered and uninteresting. Those who take the trouble to know them will find that this is quite untrue. Miss Elsa d'Esterre has proved by practical experiment that children, taken often from the most wretched surroundings, can in every respect become as courteous, well-mannered and attractive as the children of the rich.

SUMMARY OF CONCLUSIONS

1. All certified schools should be placed more directly under State control.

2. Schools should be classified according to the training they give, and should specialise more upon particular trades.

3. There should also be some classification as to discipline and greater facilities for transfer.

4. Schools should aim at placing more authority in the hands of the inmates, making them, as far as possible, responsible for the management of the school, and giving them greater individual liberty and independence.

5. Wherever possible schools should be removed from crowded areas into the country.

6. More attention should be given to technical training, and in particular to agricultural training, and all London schools should have auxiliary homes in the country.

7. The boarding-out of younger children should be more largely adopted.

8. Greater efforts should be made to keep in touch with the better class parents, and to increase their interest in the welfare of their children.

9. Nautical training in the London schools should receive more attention, and there should be both an industrial training ship and an auxiliary home ship in the Thames.

10. The principles upon which the "Little Commonwealth" is conducted should be much more largely recognised and adopted.

CHAPTER IV: PROBATION

¶ *Its Origin and Functions. Probation Officers. Professional and Voluntary Workers. The American System. Chief Probation Officers. Parental Responsibility. Further Means of Enforcing It. Success of Probation. Comparative Figures. Probation* versus *Schools. Suggestions.*

AS the world owes much to America for the example which she has set in instituting Children's Courts, so also have we learned much from her in the careful and scientific development which she has brought about in the probation system.

"The function of probation," write the authors of "Juvenile Courts and Probation," "grew originally out of the practice of suspending sentences in cases in which the defendants had been convicted, and imprisonment manifestly promised to be of little or no avail. The Courts, instead of executing the sentence prescribed by law, had the right of indefinitely postponing it and releasing the defendants conditionally on good behaviour. . . . It naturally followed that during this period of conditional release the Court could require some record of the conduct of the persons so treated. . . Out of this practice developed naturally the idea of appointing some person to give his or her whole time to the work." The first of these officers was appointed in Suffolk County, Boston, Mass., in the year 1878. Of probation in its relation to children the authors continue: "From a social point of view, it may be said to be a process of educational guidance through friendly supervision.

Mere surveillance is not probation. Probation is an intimate personal relation which deals with all the factors of a child's life, particularly his home. . . . This conception of probation as a vital, active force, naturally carries with it the requirement that those who exercise the function—the probation officers—should be trained, sympathetic, and experienced men and women."

The first legislative recognition of the principle in England was contained in the First Offenders' Act, 1887, which, as its title implies, could only be used in the case of a first offence.

This Act was repealed by the Probation of Offenders Act, 1907, which (with some slight amendments introduced by the Criminal Justice Administration Act, 1914) is still the law.

It provides that where a person is proved guilty of the offence charged, but that

(*a*) his character, antecedents, age, health, or mental condition;

(*b*) the trivial nature of the offence, or

(*c*) the extenuating circumstances under which it was committed,

render it desirable to do so, the Court may order him to enter into recognisances to be of good behaviour and to appear for conviction and sentence when called upon. The recognisance so entered into may contain a condition that the offender shall remain under the supervision of a probation officer for a period of not more than three years and lead an honest and industrious life. Further

powers were added by the Criminal Jurisdiction Amendment Act, 1914, which provides (*inter alia*) that "a recognisance under this Act may contain such additional conditions with respect to residence, abstention from intoxicating liquor, and any other matters, as the Court may . . . consider necessary."

The condition with respect to residence is particularly important, as it enables the Court to insist upon the offender remaining in a voluntary home for a specified time, and thus in the case of a child may avoid the necessity of committal to an industrial school. The power should, however, be exercised with great caution, as not all voluntary homes are desirable places to which to send children, and the responsibility for selecting one is therefore serious.

By Section 25 of the Children Act, the Secretary of State is empowered to cause all voluntary homes for the reception of poor children to be inspected, and may appoint officers of any society for the prevention of cruelty to children to make such inspections. It is to be regretted that this power is not more largely exercised. The records of the N.S.P.C.C. show that many such homes have been mismanaged, and a magistrate will rightly hesitate to order a child to remain in a voluntary home unless he is fully assured that such home is properly conducted. Not only, therefore, should there be a more rigid inspection, but a more complete list of all possible homes and institutions to

which children could properly be sent should be furnished. At present there are many admirable institutions which would be willing under certain conditions to take children, which do not appear upon any list.

It will be seen that the power to apply the Act to adults is limited to the three classes named, but the use of the word "age" enables the Court to deal with any juvenile offenders under its provisions, and we are, of course, here concerned only with its effect upon them. That it is of enormous use there can be no doubt, but the degree of its utility must necessarily depend entirely upon the personality of the probation officer.

In the year 1909 a Departmental Committee was appointed to inquire into the working of the Act, and its conclusions have proved of great use. In reporting upon the objects aimed at they say:

"The Probation Act provides a method by which a person who has offended against the law, instead of being punished by imprisonment or fine, or, in the case of a child, being sent for a prolonged period to a reformatory or an industrial school, may be brought into the direct personal influence of a man or woman chosen for excellence of character and for strength of personal influence; and, lending authority to that supervision, securing that it shall not be treated as a thing of little account, the Act keeps suspended over the offender the penalties of the law, to be inflicted or to be

withdrawn according as his conduct during the specified period is bad or good.

"There are many persons on whom the effect of such influence, applied at the moment when the commission of an offence reveals the special need of it, may be as valuable as the skilled help of a doctor to a person suffering from disease. Often without friends of their own, more often with friends only of a degraded type, out of touch with any civilising influence, the probation officer comes to them from a different level of society, giving a helping hand to lift them out of the groove that leads to serious crime. He assists the man out of work to find employment. He puts the lad into touch with the managers of a boys' club, where he can be brought under healthy influences. He helps to improve the bad homes which are the breeding-ground of child offenders. He persuades the careless to open accounts in the savings bank. Securing for him a respectful hearing, and furnishing a motive for the acceptance of his counsels, there is always in the background the sanction of the penal law—the knowledge that the probation officer is the eye of the magistrate; that misbehaviour will be reported to the Court, and will bring its penalty. So great, however, is the influence which a good probation officer is able to exercise over an offender during the specified period of probation, that his friendly interest is often sought after that period has expired, and his advice continues to carry

weight, although the powers that supported it are ended."

PROBATION OFFICERS

When the Probation Act came into force the authorities concerned in its administration found themselves in the difficulty of having to find persons ready at once to accept the positions of probation officers. They accordingly adopted the course, which was no doubt the wisest under the circumstances, of asking the existing police court missionaries to undertake the new duties. These missionaries are the servants and nominees of a private body, viz., the Church of England Temperance Society, and under the existing arrangements are in the anomalous position of being under the dual authority of the magistrate or justices and of the private association which appoints and pays them. The great tact and ability shown by the present secretary of the society enable matters at present to work smoothly, but the position is clearly wanting in stability and permanence.

By Section 3 Sub-sec. (2) of the Act it is provided that: "There shall be appointed, where circumstances permit, special probation officers, to be called Children's Probation Officers, who shall in the absence of any reason to the contrary, be named in a probation order made in the case of an offender under the age of sixteen."

In London these "special" officers are appointed by the Home Office and are at present all

women. As, however, it is often difficult for a lady to look after a boy of fifteen, where such boys are specially unruly it becomes necessary to place them under the Court missionary, who is also the probation officer in all adult male cases. There are thus in London three several authorities; the Court, to which every "probation officer when acting under a probation order shall (by the Act) be subject"; the society, which can at any time remove him; and the Home Office, which has like powers over its own special officers. In view of the fact that the duties of the two kinds of probation officers are, as I have pointed out, necessarily interwoven, the position is a curiously complicated one and eminently calculated to lead to friction. Since I cannot pay too high a tribute to the zeal and efficiency of all the society's missionaries with whom I have come in contact, and since the Home Office chooses its lady officers with the utmost care, the probation work amongst London children is being excellently done. It is none the less obvious that ultimately it will be necessary to place the whole matter upon a more systematic basis and under one direct control.

PAID AND VOLUNTARY PROBATION WORKERS

Experience, both in this country and America, appears to have shown that probation work cannot safely be left entirely to voluntary assistance. "The function of probation," write the authors

whom I have before quoted, "is such a delicate and continuous service that only persons who give their whole time to it can be expected to influence effectually the lives of the children committed to their care. . . . Juvenile Court work is more intimate, more variable, and more fraught with delicate responsibilities than almost any position in the public service."

No one would, I think, now doubt that professional probation officers are necessary, or that they should be selected and trained with the utmost care. The difficulty hitherto has been, in view of the sudden new demand, to find persons from whom to make such selection, and to provide efficient training for them. The plan adopted by the Home Office of selecting its officers from ladies who had had experience in the social work of charitable societies was no doubt the best possible under the circumstances, but in view of the immense and growing importance of the work of probation officers, this haphazard system cannot well continue as a permanent principle. The question is not merely academic, it is fundamental, and must have a direct bearing upon the whole future of probation work, including the help that can usefully be given by voluntary assistants. The fact that professional probation officers are indispensable should by no means exclude voluntary effort, and it is to be regretted that the latter is not more largely employed.

Under the present system each officer is an

isolated unit, having a certain number of particular children placed under his, or her, care, but with no duty to seek assistance. It is true, of course, that a good probation officer is careful to keep in touch with the different schoolmasters in the district and to some small extent with boys' clubs, &c., but this relationship, in as far as it exists, depends wholly upon the individual officer, who is under no obligation to seek outside aid at all, and who may be on good terms with, or wholly indifferent to, all other agents working amongst children in the same neighbourhood.

When one remembers the number of such agencies in the East of London (to give a concrete instance with which I am personally familiar), one realises the waste of effort involved in this want of correlation.

The clergy and ministers of the various denominations are all in one way or another, to a greater or less degree, doing something to look after the children; but I do not find one case in a hundred where it ever occurs to the mind of the clergyman or minister to attend the Children's Court and tender his knowledge of, or offer his aid to, an individual child. They are doubtless busy with other work; but can any other work be of greater importance? The ninety-nine just persons might temporarily take care of themselves while the pastor goes to the assistance of the one lost child.

Again, the inspectors of the National Society

for the Prevention of Cruelty to Children have an intimate knowledge of the worst homes and the most neglected children, and are ever ready to place their knowledge and experience at the disposal of the Court, but there is no direct correlation between their work and that of the probation officers. There are large numbers of boys' and girls' clubs and institutions of all kinds; there are boys' brigades and boy scout captains; the Church Army and the Salvation Army officials are working indefatigably; there are boys' homes and girls' homes and rescue homes; but they are all acting separately and apart, and are none of them in direct touch with the Children's Court, which often requires the assistance of each. It is true, no doubt, that many Police Court missionaries are, in fact, in intimate personal touch with all such agencies. This is so to my own knowledge at Old Street, where Mr. Massey, with twenty-seven years' experience of the district, knows exactly to whom to look for assistance in each individual case. His great experience is invaluable to the magistrates of that Court, who look to him for assistance in all questions of this kind. That this is also true of other missionaries I do not doubt; but the point is that this is at present a merely individual effort, directed not so much towards obtaining outside help in probation work as towards obtaining it in the many other needs of a Police Court missionary. What can be done by individual effort in these other matters could and

should be done systematically in probation work amongst children. This question is now being carefully considered by a Committee, of which Mr. Aitken, the head of the Children's Department at the Home Office, is chairman. The report, when published, will doubtless lead to important developments.

In the country probation officers are appointed by the justices, and in many of the provincial towns much voluntary assistance is obtained, but in London the magistrates have no voice in the appointment, and the whole matter rests with the Home Office.

"The value of probation," say the Committee in their Report, "must necessarily depend on the efficiency of the probation officer. It is a system in which rules are comparatively unimportant, and personality is everything. The probation officer must be a picked man or woman, endowed not only with intelligence and zeal, but, in a high degree, with sympathy and tact and firmness. On his or her individuality the success or failure of the system depends. Probation is what the officer makes it.

"So far as we can judge from the character of the probation officers who have appeared before us as witnesses, and from information we have individually gathered, we are of opinion that *the Courts have been fortunate in being able to enlist for this duty a large number of men and women who are eminently qualified* to perform it. That this is so

is largely due to the circumstance that they have had placed at their disposal the carefully chosen and experienced staff of the Police Court missions. In a large proportion of districts it is the missionary who has been selected as a probation officer, supplemented, when necessary, by others. The magistrates who have given evidence concur in expressing a warm appreciation of the value of the work done by the missionaries."

THE AMERICAN PLAN

The greatest need at the present time in connection with probation work is the successful solution of the problem of how to utilise all available agencies for the care and reformation of the delinquent child. In America the same difficulty has, of course, been found, and as the probation system has been at work in that country for a much longer time than in this, the experience there gained should be of use here.

In England the children's probation officers work alone, and all perform the same duties. These are confined to personally looking after a certain number of children in a particular area, to visiting them at their homes or schools or receiving visits from them at appointed times and places, and to reporting to the Court as to their conduct. The work is given to the officers themselves to do; it is no part of their duty to look for outside assistance, nor is there any reason why they should desire to invoke it.

In America, on the other hand, there are two classes of probation officers: the "chief officers," whose duty is mainly to organise the work, and the assistants, whose duty it is to carry it out. The great advantage of this system is that the chief officer's direct duty is to establish relations with all the agencies in his district and seek their assistance in performing the work. In so far as he can do this successfully, he lightens the duties of his paid assistants and renders it necessary to employ a smaller number. Under such conditions probation work, it is contended, can be carried out, not only far more efficiently, but in the end more economically. There seems to be no reason why this plan should not be successful in England. A very few chief officers would be sufficient to co-ordinate the whole work in London, and the Home Office has at the present time admirable material at its disposal for at least trying the experiment. The chief officers, by keeping in constant touch with all private enterprises would know exactly which was most suitable for giving assistance in a particular case. One boy, for instance, would be greatly helped by joining the Boy Scouts; another by becoming a member of a club; a third by the direct influence of a clergyman or minister; a fourth by being placed temporarily in a working boys' home; a fifth, awaiting a ship, in a sailors' home. Younger children in neglected homes would be looked after and reported upon by an officer of the N.S.P.C.C. Girls

would be cared for by the various girls' clubs, the Young Women's Christian Association, the Salvation Army officers, &c.

In addition to these regular agencies there are to be found in every district some private persons, social workers, Sunday-school teachers, &c., who are especially interested in children. They have not, perhaps, much time to spare, but would gladly undertake the direct supervision of a few cases. I receive numerous offers of this kind, but under present conditions it is difficult to make use of them. Under the American system it would be the duty of the chief officer to enter into communication with all people of this kind, who wished to assist, and were properly qualified to do so.

Besides the casual and partial assistance thus available, there are numbers of young men and women, often fresh from the Universities, who desire to undertake some social work and are in a position to devote either the whole, or a considerable portion of their time to it. Since there is no more interesting social work than that of probation, many of them would most willingly undertake it and are thoroughly competent, under expert supervision, to do so. It is, again, not easy under the existing circumstances to make use of their work. The ordinary probation officers cannot well be asked to look after them and find work for them, but it would be an important part of a chief officer's duty to undertake this.

The employment of volunteers of this kind would have a further great advantage in providing the best possible training for future professional officers, while the knowledge that such officers were appointed from the ranks of volunteer assistants, would be an inducement to many, who desired to permanently engage in probation work, to offer themselves in a voluntary capacity. Such a training would in my judgment be much more satisfactory than that under a society whose aims and methods are not always in harmony with Police Court work.

Under the American system the chief officers have not only to correlate outside workers, but also to allocate the particular duties of their assistants. Cases of special difficulty they would undertake themselves, in others they would arrange for a combination of voluntary and professional supervision, but in all cases would remain the responsible persons to whom the Court would look for securing successful treatment and reporting upon it.

The American plan appears also to be the more economical in the end. Experience in England has shown that a children's probation officer working alone cannot efficiently supervise more than about seventy children; but in America, although the duties are much more varied and extensive, he is able with voluntary assistance to make himself responsible for about one hundred.

"Probably the most successful volunteer

probation service," writes Mr. Leeson in his book on "The probation system," "is that of Indianapolis, which was begun in 1903. . . . The present strength is between 600 and 700. It is composed of professional men and women. . . . Appointments are made by the Juvenile Court magistrate, on the recommendation of the chief probation officer. . . . One of the first, if not the first, corps of volunteer probation officers in England was formed in Birmingham, and was recruited chiefly from local religious bodies. Likely men were approached individually, told of the need, and invited to co-operate with the professional probation officer in the reclamation of some one offender."

The large measure of volunteer assistance thus supplied has a special interest, in view of the fact that Mr. Leeson in his book, "The Probation System," claims 92 per cent. of successes in cases of children placed upon probation by the Birmingham Court, while the Old Street Court, depending almost entirely upon its two professional officers, can only claim 75 per cent. This would certainly seem to be a strong argument in favour of voluntary assistance, though for reasons which appear later on, too much reliance must not be placed on these figures.

American experience shows (I again quote Messrs. Flexner and Baldwin) that "the use of volunteers who are qualified to assist is entirely

successful when carefully supervised by paid officers."

Mr. Leeson, with his great knowledge of probation work in Birmingham, admirably sums up the matter thus: "Close and persistent attention cannot be given to each offender by a probation officer having charge of sixty to a hundred cases. But, if probation is to be really constructive, it is essential that close and persistent attention shall be given to each case. Therefore, in order to secure it, two courses are open: either a salaried probation officer may be appointed to very few cases—a proceeding which would be objected to on financial grounds—or voluntary social workers may be invited to co-operate with the salaried officer to supply the intensive work which makes probation real." Voluntary officers, he thinks, should be (a) "chosen with as great care as salaried officers," (b) formally appointed, (c) fully instructed by the salaried officer, (d) closely supervised by and required to report to him.

When it is realised that in one single Juvenile Court in America nearly as many children are placed on probation in a year as in all the Juvenile Courts in England and Wales put together, it will be seen how small has been the development of the probation system in England compared with that in the United States. The exact figures are 3,343 children placed on probation in the New York 1st Division Children's Court, with a population of under three million (Appendix F), as against

only 3,616 children in England and Wales (Judicial Statistics, 1914), with a population of over thirty-seven million, and 147 children placed on probation in the Old Street Children's Court, with a population of over a million. (Appendices H and B.)

It is obvious from these figures that either the practice in America is wrong and that an immense amount of effort is being wasted, or that the practice in England is wrong and that nothing like the amount of work is being done for the children of our own country that ought to be done.

Since the Americans are neither a foolish, an unduly sentimental, nor a wasteful people, I think one ought certainly to hesitate before coming to the former conclusion. The latter conclusion, on the other hand, involves the necessity for giving very serious consideration to the whole question of juvenile probation in this country. If the inference be correct, we are in England largely neglecting a very economical and, I believe, a very efficient means of dealing with juvenile delinquents. As I have already pointed out, the blame (if any) for not placing more children on probation does not rest with the magistrates. In East London, at all events (and I believe in most other districts), it would be impossible under present conditions to place more children on probation under existing officers than are already placed, and if the system is to be developed, it is incumbent on the State to make larger and better provision

for doing this. Surely the very trifling additional trouble and expense ought not to be allowed to stand in the way once the need is admitted! In my judgment, not only the general conduct of delinquent children would be improved, but the percentage of recidivists would be greatly reduced, if nearly all the children punished in other ways, such as by birching, fining and detention, were also placed on probation. There is no power at present to do this. (See *ante* p. 31.)

The enormous difference between the English and American figures is, of course, partly accounted for by the fact that in America children not under proper guardianship and in moral danger, are placed under probation officers, while this practice does not exist in England. Eliminating, however, all these cases, we get 1,657 children placed on probation by the New York Court charged with the offences of larceny, assault, being beyond control, and disorderly conduct (Appendix H), against only 147 in East London charged with similar offences. This in proportion to the population is just four times as many in the former as in the latter, and about six times as many if the figures for the whole of England and Wales are similarly taken.

The Departmental Committee, to whose report reference has already been made, considered this suggestion of the appointment of chief probation officers, and concluded by saying: "We do not recommend the general adoption of this plan."

The report, however, was published in 1909; the number of cases then placed upon probation was comparatively small, and the great importance of securing voluntary assistance had not been realised. I do not think even now that the "*general* adoption of the plan" is either necessary or desirable, but it seems to me to be fully proved that in thickly populated areas, where the number of probation cases is very large, it is absolutely essential that some scheme should be adopted which will secure a more complete and efficient control of the children than is at present possible.

Earlier in their report the Committee put forward, somewhat tentatively, a suggestion which, under favourable conditions, might be more widely adopted. "The magistrates," they say, "very often encourage a local interest in probation, and even, when opportunity offers, assist the formation of local committees to co-operate in the work. They can further help the probation officer by assisting him to get into touch with persons in different parts of his district who will aid in finding employment for probationers, and who will inform him of social agencies qualified to exercise a useful influence on the offenders placed upon probation. . . . There could be no greater encouragement to a probation officer and no more potent means of contributing to the success of the probation system than for magistrates themselves to show the interests of which we have spoken, to watch the result in each case, and to

discuss with the probation officer the action he has taken."

By developing this idea more fully, a committee consisting of the principal representatives of the various social and religious agencies might be formed in each district, to meet at regular intervals, for the consideration of probation cases. The probation officers would lay before the committee the facts in such as needed outside assistance, and each member would be able to offer the particular kind of aid which he was specially qualified to give. Such a plan would work admirably in the country when an efficient voluntary organiser could be found, but in London it could, I think, only succeed under the organisation of some such official as a chief probation officer.

PARENTAL RESPONSIBILITY

Not only is carelessness and neglect of children responsible for a great deal of the delinquency amongst them, it is also responsible for a very large number of the failures on probation. Many parents, so far from welcoming the visits of the officers and striving to assist the work, resent such visits, and do all in their power to hinder it. The position of the officer, especially if a lady, is in such cases exceedingly difficult, if not hopeless. With parents who systematically lie and are abusive and insulting she can do nothing. It is essential, therefore, to bring home to parents the sense of their own direct responsibility in the matter,

and of their duty to themselves to exercise proper control over their children. While emphasizing this fact, however, it is right to say that the majority of parents gladly welcome the assistance of the probation officer and strive loyally to aid her work.

The Legislature has recognised this importance of parental responsibility by decreeing that where a fine is imposed for an offence committed by a child under fourteen, the parent *shall* be ordered to pay it, if over fourteen and under sixteen, the parent *may* be ordered to pay it (Children Act 1908, Section 99, Sub-section (1)). The parent may further be ordered to give security for the child's good behaviour (*id.*, Sub-section (2)). This last Sub-section, though admirable in intention, is far too vague in its phraseology to be of much practical utility. Where children are put on probation the parent should in nearly all cases be bound over in recognisances, but these recognisances should be specific on the lines of Section 2, Sub-section (2) of the Probation Act as amended by Section 8 of the Criminal Jurisdiction Act (*ante* p. 102), and not vague as they are at present. Power should be given to the Court to make such conditions as that the parent should see that the child does not frequent the streets at night; that he reports regularly to the probation officer; that the parent himself reports as to the child's conduct; that the parent should remove the child from an undesirable neighbourhood, or not allow him to be engaged in an

undesirable employment, or see that he attends school regularly, or keeps away from bad companions, or refrains for a specified time from visiting picture palaces, or that he joins the Boy Scouts, or becomes a member of a club or lads' brigade, or that the parent should himself punish the boy in a specified way, &c.

A breach of any of the conditions should not necessarily involve the forfeiture of the entire penalty, but only of such portion of it as the Court may think fitting and adequate, and the parent should continue bound by the recognisance until the entire penalty is thus exhausted. I am quite convinced that such a provision as this would be not only of incalculable value to the child, but also gradually build up and enforce a feeling of responsibility on the part of parents which is now, too often, wholly lacking. It would further ensure the far more complete success of the probation system and greatly lighten the work of those engaged in carrying it out.

"It is the parents," says Mr. Leeson, "who determine the character of the chief part of the child's environment—the home; and no matter what may be done to uplift the child, it is with the home and the parents who make it that the ultimate decision rests."

SUCCESS OF THE PROBATION SYSTEM

Whatever doubts may be entertained as to the possibilities of the further and more complete

development of the probation system, there can be little question as to its success. The measure of that success can only be gauged by experience, as exact statistics are, of course, unattainable. The two children's probation officers at Old Street have kindly supplied me with the following analysis, showing their own estimate of the success, or otherwise, of their work during the years 1911 to 1916 inclusive:

Year.	Number of Children.	Probation Successful.	Per-centage	Unsuc-cessful.	Per-centage	Recharged for Failure.
1911	32	24	75	8	25	0
1912	64	47	72	17	28	3
1913	83	62	74	21	26	6
1914	130	101	77	29	23	6
1915	106	81	75	27	25	1
1916	91	78	55	13	15	0

It is, of course, manifest that "success" and "unsuccess" are vague phrases involving many degrees and dependent for their interpretation on the subjective mental attitude of the person using them. No objective standard of what constitutes "success" can possibly be fixed. As, however, I have a weekly interview with these ladies to discuss the cases which give them special anxiety, and in addition receive their written reports on all cases, I am able to say that their standard is by no means a low one. As, further, there are few, if any districts in England where the surrounding conditions are less favourable, I think the figures given show a decidedly hopeful result. The figures are not

quite complete in that they show only the cases under these two ladies and not those placed on probation for special reasons under other persons. The first column shows the children placed during the year and not the total number on probation at one time. Many children remain for two years. During the first two years set out also the officers gave only part of their time to this district. The figures in the last column show only those children recharged by the officers for failure, and not those recharged by the police for the commission of fresh offences. It will be noticed that while the actual figures vary, the percentages remain almost constant. A comparison of these figures with those of the City of New York 1st Division Children's Court may be interesting. The figures are percentages based on statistics for the year 1910.

Successful		Recommitted		Absconded		Discharged without Improvement.	
Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
80%	84%	16%	13%	1%	1%	2%	1%

The percentage figures for other years are practically the same.

It will be observed that the percentage of children recharged is apparently higher than at Old Street, but the percentage of "discharged without improvement" much lower than the Old Street figures of "unsatisfactory." It may well be, however, that a case may be very "unsatisfactory" and yet not wholly "without improvement," so the comparison is very inconclusive;

but both sets of figures almost equally go to show the value of probation work. The high percentage of "recommittals" in the New York Court would seem to point to the practice of recalling nearly all children whose cases were not "successful," and this is no doubt in accordance with the general principles of American probation. "No probation officer," to quote again from the same writers, "should permit any considerable number of violations of probation by a given child without bringing him to the Court's attention. The probation system is greatly weakened by allowing successive violations to pass without a change of treatment. The system is discredited in the eyes of the children, their parents, and often of a whole neighbourhood." This view of the case is one to be borne carefully in mind. In no year were more than 22 per cent. of the unsatisfactory cases recharged by the probation officers at Old Street, while in New York 80 per cent. were recharged. It seems clear that the former percentage is too low and that proceedings should be taken much more frequently to recharge children who are not properly carrying out the terms of their probation. Steps are now being taken to ensure this being done. When one comes to consider the cases of children who have been placed on probation and subsequently charged with other offences, the results are again satisfactory. Taking the Old Street figures for 1915-16 (see Appendix D), I find that while during that time 297

children were placed upon probation 36 children who had, either during that time or previously, been placed on probation, were recharged.

Assuming a practical uniformity of procedure during previous years, this gives a percentage of thirteen children placed on probation and subsequently charged, or of 87 per cent. of fairly satisfactory cases. While I have not the least doubt that the admirably organised system of probation work amongst children in Birmingham gives, as I have pointed out, better results than can be obtained under present conditions in East London, I cannot think that so great a difference can be wholly attributable to this cause.

It is curious to note also that while Birmingham claims only 72 per cent. of satisfactory adult probation cases, Old Street shows nearly 80 per cent.; thus in the former Court probation is far more successful with children than with adults, and in the latter it is far more successful with adults than children. Since, however, the conditions under which adults are put upon probation are much more uniform than those under which children are so placed, there must be other reasons, well worth investigating, for the difference of results in children's cases.

A shortage of probation officers has produced the result in the Old Street Court that many children who would otherwise have been placed on probation have been simply bound over on their own or their parents' recognisances. Thus in

1911 only 24 were so bound over; in 1912, 66; while in 1915 there were 174, and in 1916, 139. There were, in fact, in 1915 a larger number of children simply bound over than those put upon probation. It is, of course, the cases that are most hopeful that are merely bound over, but if more probation officers were available nearly all these cases would have been placed on probation and would no doubt have benefited by being so placed. Had this been done the percentage of "satisfactory" probation results would probably have been nearly doubled.

A high percentage of "satisfactory" results points further to a greater tendency to send children to schools. If nearly all the children whose home surroundings are unsatisfactory are sent to industrial schools at once when they are found guilty of an offence, and only those whose home surroundings are good are placed on probation, obviously the number of "satisfactory" results is high. If, however, the practice is to try first of all by means of the influence of the probation officer to improve the conditions of the home, and induce the parents to look after the child better, the "successful" figures are necessarily much lower. The question, therefore, is in each case whether it is not better to risk failure on probation and strive thereby to increase the feeling of parental responsibility, rather than to destroy the little that may remain of that feeling and throw the whole care of the child at once upon

the State. My own view, for what it is worth, is that no child should be sent to an industrial or reformatory school if there is any reasonable hope of improving him by any other means.

It is useful to note that it does not follow that a boy whose conduct has been "unsatisfactory" on probation has not benefited by it, or that he may not develop rightly in the end. The very experienced Old Street Missionary, Mr. Massey, tells me that many of the boys who have been most troublesome while on probation, have later on settled down to steady work and done well. One of the worst of them has recently won the D.C.M. In America, where the period of probation is indeterminate, all these cases would in all probability have remained under probation until the satisfactory result had been attained.

While, then, I am satisfied that the success of probation can be greatly increased, it seems to me a mistake to think that its value should be gauged entirely by the high percentage of its "satisfactory results," since such results can only be attained by putting all doubtful cases in certified schools.

In conclusion I would suggest:

(i.) A more systematized scheme of probation work, including the appointment, control, and training of officers.

(ii.) A wider and more complete co-ordination of voluntary effort.

(iii.) Provisions for enforcing upon the parent the duty of assisting in the carrying out of probation conditions.

(iv.) Provisions for inflicting, concurrent with probation, a penalty (*a*) upon the parent and (*b*) upon the child.

CHAPTER V: THE ILLEGITIMATE CHILD

¶ *The Injustice of His Position. Great Mortality. Causes of This. Historical Sketch. Present Law. Its Defects. The Putative Father. Suggested Changes. Registration of the Father. The State as Guardian. Summary of Suggestions.*

GREAT as are the wrongs that have been done by the State and Society to legitimate children, the wrongs of the illegitimate child have been infinitely greater. Small as was the protection afforded to the former, the protection given to the latter was practically non-existent. Whilst the labour of legitimate children in factories and coal mines was ruthlessly exploited at the earliest possible age, they at least had a home to which to return when their hard toil was over, and the value of their work to their parents was some guarantee of food, clothing, and care. The illegitimate children, however, had no such guarantee. They were shipped by boards of guardians in bargeloads to the great factories in the North, and, as the supply was almost inexhaustible, their health and limbs and lives were of little or no concern to the employers to whom they were consigned.

At the age of five and upwards they were sold like cattle as "apprentices" in the factories, where bad food, fœtid atmosphere, and overwork brought to them too often painful diseases and lingering death.

There are few darker blots upon Christianity than the way in which illegitimate children have been sacrificed in the name of religion and morality. However strict may be the moral code which it is

desired to enforce, there can be neither sense, nor justice, nor policy, in punishing the wholly innocent child. It is, alas! still true that it is partly upon the innocent and partly upon the weaker and less guilty sinner that the whole punishment falls. The spirit of the eighteenth century profligates who complacently watched their unhappy girl victims flogged, half-naked, at the cart-tail, is by no means yet dead. The cruel doctrine that an illegitimate child is *filius nullius*—a doctrine invented by men to shield themselves from the consequences of their misdeeds—is still the law of the land. The obvious natural law that every child born into the world has a right to fatherhood, as well as to motherhood, has never yet been recognized. If, in the nature of things, it is impossible, in practice, to insist upon this right, has not the State a very special duty towards one who is "the child of no father"?

GREAT MORTALITY

The Registrar-General's returns for the year 1915 show a total number of births of 814,614, of which 778,369 were legitimate and 36,245 illegitimate. The death-rate of legitimate children under one year of age was 105 per 1,000; the death-rate of illegitimate children was 203 per 1,000, or nearly double the former. For this difference the only possible explanation is that the illegitimate children are more neglected than the legitimate. Well has Mr. R. J. Parr, in dealing with this question, entitled his pamphlet "Wilful Waste."

The statistics for the proportion of illegitimate children in workhouses, asylums, and prisons are not available, but can it be doubted that the same neglect that causes death in the first year of life causes increased bad health, degeneracy, and criminality in later years?

When born into the world the illegitimate children are at least as sane, as healthy, and as free from degenerate or criminal tendencies as the legitimate. They are probably more so, for they are more likely to come of strong and healthy parents still in the heyday of their youth and vigour.

What, then, is the duty of the State as a business concern towards these illegitimate children? There are two alternatives open, or there may be a compromise between these alternatives. Either the State must itself take over the care of these children or it must enforce upon *all* those who are responsible for the lives of such children the duty of properly caring for them. The former alternative is Socialism in its most advanced form, and would destroy all individual responsibility for parenthood; the latter would be difficult, if not impossible, to enforce in practice. With great diffidence and after much careful thought a compromise is suggested.

HISTORICAL SKETCH

In order to appreciate the value—or want of value—of the proposals made, it is necessary to glance briefly at the present state of the law and its historic origin. Mr. Joseph King has published an

interesting and temperate pamphlet upon the subject, entitled "Filius Nullius," which is well deserving of careful consideration. He points out that while in early law neither parent was liable for the maintenance of an illegitimate child, the mother was guilty of a capital offence in bearing one. The law thus fully vindicated the claims of mortality, untinged with any weakly sentiment. The man escaped wholly free. To suggest that this somewhat remarkable result was brought about by the fact that men made the law would be unnecessarily trenching upon grounds of modern controversy, and it is sufficient merely to note the fact itself. In the eighteenth year of Elizabeth (the sex of the then reigning sovereign, whose part in public affairs was no passive one, is again suggestive), a statute was passed which empowered the mother of an illegitimate child to swear to its paternity. The putative father was then arrested and detained in custody until he had given security for the maintenance of the child.

In 1834 the mother was made liable to the Poor Law Guardians for the maintenance of her illegitimate child, and in 1873 the Guardians were themselves empowered to take proceedings against the putative father and to obtain against him an order to pay money to them for the maintenance of the child.

PRESENT LAW

The rights of the mother to proceed against the father are provided for by the Bastardy Act of

1872. She can either before birth, or within twelve months after it, or within twelve months of the payment of money to her by the putative father for the support of the child, apply to a Court of Summary Jurisdiction for a summons. On the hearing of the summons her evidence must be corroborated. If the summons is dismissed for want of corroboration, she may apply again to the same court, if still residing within its jurisdiction, or to any court within the jurisdiction of which she is then residing, for a fresh summons, and, if she has obtained the necessary corroboration, an order may be then made.

By virtue of Section 37, Sub-sec. (2), of the "Criminal Justice Administration Act, 1914," an appeal now lies from the refusal to make an order as well as from the making of the order. This concession was won by strenuous exertions; but, I confess, the point seems to me more doctrinaire than practical. The natural tendency of justices is to make an order where possible. If they feel themselves unable to do so, it is improbable in the last degree that a Court of Quarter Sessions will make it. On the other hand, if the woman is actuated merely by malice, she might embrace the idea of an appeal as affording a ready means of greater exposure or blackmail.

ITS DEFECTS

Mr. King further points out that the number of illegitimate births is out of all proportion to the

number of orders made. Only one woman in four applies for a summons and only one in five obtains an order. Since it is the most modest and deserving women who are the least likely to apply for a summons, it is obvious that the present law affords no just or uniform relief. How is this to be remedied? The problem is a most difficult one, and I venture to put forward my own suggestion, fully conscious of its many imperfections, and asking for it only such thought and consideration as it may seem to deserve, and gladly awaiting any suggestion of improvement upon it.

The "Births and Deaths Registration Act, 1874" permits the registration of an illegitimate child in the name of the father if his assent to this has been obtained. It is suggested that such registration should be obligatory. The alleged father should, of course, have the right, on being notified of the mother's intention, to refuse his consent, and on such refusal the question would be tried by the justices. In a few cases of very depraved women the determination of paternity would be impossible, and the children of such would still remain *filii nullius;* but in all other cases the illegitimate child would under this scheme have a recognized legal father.

THE PUTATIVE FATHER

The advantages of this are not abstract and sentimental only; they are of direct practical importance. The existing law discourages in every way

all interest by the putative father in his child. It gives him no authority whatever over the child and refuses him all right even to see it. All he is asked or permitted to do is to pay money, for the spending of which no account is given to him. His child may be starved or neglected or illtreated, but he has no right to interfere. It may be dying, but he must not see it. Much is said of the injustice of the law to the mother, but to the father whose natural instincts of parenthood are not dead it is also unjust. It is no answer to say that he can come if he likes to an amicable arrangement with the mother, for in many cases he cannot do this. She probably believes herself a much-wronged woman, and will conceal all knowledge of the whereabouts of the child from the man she thinks has injured her. This is not an imaginary picture, for I have had several instances of men begging me to make an ordèr that they might sometimes see the child for whom they are paying. There is no power to make such an order, for the child has by law no father; the putative one is merely a stranger who pays. Men and women of the poorer classes in the large towns frequently live together for years and have a number of children to whom the father often becomes attached. At any moment the mother may leave him, obtain a series of bastardy orders that swallow up a considerable proportion of his small income, and thus prevent him from either marrying someone else or seeing his children.

Since writing the above paragraphs a case has

come before the Court further illustrating their truth. The father of five illegitimate children had gladly taken upon himself the entire burden of their support and showed the same care and affection for them as if they had been born in wedlock. The mother, however, though she had no real wish to have the children herself, harassed him constantly, and finally assaulted him in the street.

From such assaults the law could protect him, but it could give him no protection from the danger of having any, or all, of the children he loved snatched from his care and lost to him for ever.

The man whose wife is in a lunatic asylum does not lose the natural human desire to have children of his own. If he yields to it the theologian may condemn him, but that hardly seems a reason why the State should deny him all the privileges of a father or the children the right to his care and protection.

It has seemed desirable to emphasize this side of the question, partly because it has so far largely escaped attention and partly because it will doubtless be urged that any solution of the problem of illegitimacy will tell hardly against fathers of illegitimate children. Towards the best of them it is the present law that is harsh and unfair.

Would, then, the compulsory registration of the names of both parents be unjust? I confess that I cannot see why. The woman cannot conceal her maternity and has to bear, in addition to her

physical suffering, far the greater burden of moral obloquy. What right has the father, equally responsible for the birth, to demand that his share in the matter should be concealed?

It will be urged that registration of the father's name will lead to blackmail; but, again, why more than under the present system? An unscrupulous woman can now openly charge in a public court any man, with whom she has ever been for a few minutes alone, with being the father of her child. If her summons is dismissed for want of corroboration, and he to avoid the scandal leaves the neighbourhood, she can pursue him to his fresh home and again drag him into the public court of the new district in which he has sought to find forgetfulness of the former charge. Would compulsory registration increase her power of evil? It is submitted that it would not.

Mr. King has urged that these cases should be heard *in camera*, and this suggestion appears an admirable one. English law very properly regards the absence of publicity in legal procedure with suspicion, but it is becoming increasingly recognized that in exceptional cases the balance of advantage is against publicity. Thus in all cases of indecent assault upon children and in all charges under the Incest Act, the trial takes place *in camera*. Surely cases involving the paternity of a child demand an equal privilege.

Mr. King suggests that either party should have the right to a public trial, but I would venture to

point out that to give the woman this right would nullify the whole effect of the provision. If she is bringing a false charge for purposes of spite, revenge, or blackmail, she would, of course, demand a public trial; but if she is a modest and truthful witness it is very difficult to see on what proper grounds she could desire publicity. To give the man the right to a public trial would, I think, be unnecessary, because if he felt that the trial by the justices was unfair, he would still have his right to appeal to Quarter Sessions, where the trial should be in public.

Under the present law the maximum amount that can be ordered on a bastardy summons is 5s. a week. This is clearly quite insufficient. Take the case of a mother of gentle birth and upbringing and a father of large means. The sum of 5s. a week would not pay for the barest necessaries, and the child could only be brought up on it under the most wretched conditions. Where, again, the father has means, the limitation of age is unjust and unnecessary. The child may be born blind, or deaf, or a helpless cripple, drifting inevitably into the workhouse, a burden upon the State, whilst its father escapes all liability.

THE STATE AS GUARDIAN

So far I have dealt only with the need for enforcing more stringently the duties of parenthood upon the father, but, even with all these suggested changes, the illegitimate child would, in the

nature of the case, have no sufficient guardian. Besides enforcing parental rights, the State has a further duty to its illegitimate children. The next question, therefore, is how it can best carry out that duty without relieving the parent of all responsibility. I would suggest that every illegitimate child should be a ward of the Court of Summary Jurisdiction in which it resided. The practical realization of this plan would, I venture to think, present few difficulties. These courts already have wide powers under the Children Act of appointing guardians; they also control the custody of children whose parents are separated by their order. The Court Missionary, the Probation Officer, and the local inspector of the National Society for the Prevention of Cruelty to Children, would any, or all, of them gladly assist in watching over the interests of the illegitimate child.

A great step in advance was taken in the passing of the "Affiliation Orders Act, 1914." Under its provisions the Court may now order all sums payable by the putative father to pass through the hands of a "collecting officer" (Section 1), and such officer may himself take proceedings for the recovery of arrears (*id.*, Sub-sec. (3)). The Court may further, on the application of the person having the custody of the child, order that the payments shall be made to that person (Section 3).

Valuable as are these new provisions, it is submitted that they still fall far short of affording any

effective protection to the child. What is required is not merely control over the money, but a control over the children themselves, such as the Courts of the Chancery Division exercise over their own wards. The exercise of such control would involve comparatively little cost, while it would effectively protect illegitimate children from the starvation, ill-treatment, and neglect to which they are now so often subjected.

In cases where the father could not be ascertained and registered, the child would be registered in the name of the mother, and would likewise be a ward of the Court. While, therefore, under the present law, only one illegitimate child out of four comes before the Court at all, under the scheme proposed all illegitimate children would so come; and while under the present law the protection which the Court can exercise is of the very slightest and most inadequate kind, the protection under the scheme would be full and complete.

If the father and mother were both unable to provide for the child the burden would, of course, fall upon the Poor Law Guardians, as it does at present; but, since the identity of the father would be ascertained in a very much larger number of cases, and since the amount which he could be ordered to pay would be increased, the burden upon the rates would be less, and not greater, than it is at present, and the sum thus saved would more than pay the cost of the administrative machinery required to carry out the scheme.

SUMMARY OF SUGGESTIONS

i. All illegitimate children to be made wards of the Courts of Summary Jurisdiction.

ii. Such courts to exercise complete control over the guardianship and maintenance of the children.

iii. To have power to appoint fit persons willing to act in that behalf to watch over the interests of the wards of the Court.

iv. All children whose paternity was ascertainable to be registered in the name of the father, as well as of the mother, and both parents to have equal rights of custody.

v. Right of the alleged father to call upon the mother to prove her claim before the Court.

vi. All such cases to be heard *in camera.*

vii. Alleged father to have the right of appeal to Quarter Sessions, with public trial.

viii. Present limitation of payment to be increased.

ix. Where father possessed of means, provision to be made for suitable education and start in life of child.

x. In such cases, and in cases where the child is blind, crippled, or otherwise unable to maintain himself, limitation of age to be extended.

CHAPTER VI: SOCIAL EXPERIMENTS

¶ *"The Little Commonwealth": Comments upon Its Work. "The Women's Colony": The Great Need for It. Girls Under Nineteen Should be "Young Persons." "The Caldecott Community": Its Educative Value.*

OUT of the many attempts which are at present being made to reform juvenile delinquents or to improve the conditions of child life I have selected three as being quite distinctive and of peculiar interest to the social student. They are:

I. "The Little Commonwealth," in Dorsetshire, for juvenile delinquents of both sexes;

II. "The Women's Colony," in Berkshire, for girls and women charged in the London Courts with solicitation; and

III. "The Caldecott Community," hitherto a day school in London, and now a boarding school in Kent for children of the working classes.

Mr. Homer Lane, Superintendent of the first, Miss M. L. Shaw, Warden of the second, and Miss Rendel, Superintendent of the third, have each kindly furnished me with accounts of their work, which I quote in their own words.

"THE LITTLE COMMONWEALTH"

"The fundamental purpose of the Little Commonwealth," writes Mr. Lane, "as determined by its organisers, is shown in these broad, general principles: An insulated community, containing all

the elements of adult society, based upon practical economic law, in which its residents, delinquent children, might be free to organise whatever form of government suited their ideals. The community to involve normal family life, with boys and girls living in the same houses, with an adult house-mother, in normal relationship. Since the community was planned as an experiment in corrective work—a working community rather than a student community—the compulsory education law determines the minimum age of the residents—fourteen years.

" The question of co-education offered a vexatious problem, but if the community was to furnish actual practice in the virtues of citizenship all the elements of society must be involved. Aside from these fundamental provisions, no definite plans were made. The site for the experiment was a 200-acre farm in Dorsetshire.

" The first cottage, an adapted farmhouse, being sufficiently advanced in necessary alterations to begin the work, the time arrived to recruit the population. It was decided that since the community was to be a group of families, the traditional home-makers, the girls, should be introduced first.

" Mr. Cecil Chapman, Magistrate of the Tower Bridge Police Court, London, had invited me to attend his Children's Court for the purpose of securing the nucleus of the population of the Commonwealth. Passing the door of an ante-room,

on my way to the Court-room, I heard angry voices, and, through the door, saw a policeman struggling with three girls. One of them struck the officer a vicious blow with her fist, and the language was anything but appropriate to the precincts of a Court.

"After several cases had been heard, these three girls, of about fifteen years of age, were ushered into the Court-room, and by dint of considerable pushing by the officers, punctuated by smothered protests in their native language, were placed in the prisoners' box. Then was related a story of misbehaviour and wrongdoing that was thrilling. The three girls had for months been under the surveillance of the police. They were systematic shoplifters, so clever in their operations that evidence sufficient to secure conviction was difficult to obtain. They were well known to the police and had conducted their operations over a wide area.

"A representative of the school authorities, speaking from notes, gave a detailed story of their disturbing influences in the school, and enumerated the many occasions for corporal punishment. There was no reason to think the parents were in any way to blame for the wrongdoing, for they seemed very much disturbed as the story of the girls' misdemeanours was unfolded.

"The girls themselves stood sullenly listening to the proceedings. Once, the smaller, turning and seeing her mother weeping behind her, began to cry, when her companion nudged her and whis-

pered audibly, 'Don't be a fool! Stare 'em out!' They were certainly not very promising material. In the course of the testimony the officer related the following incident. When the girls were arrested in the act of secreting some stolen articles, one of them had said: 'I'll come along and own up if you'll let that girl go,' indicating a fourth and younger member of the group.

"At this point I determined to try to get these girls for the Commonwealth. Sitting beside the magistrate, I whispered my request. 'Oh, no! They are much too bad for the Commonwealth; they must be rigidly restrained,' he replied. I could only repeat my request, and urge that these were just the sort of children that would ensure the successful organisation of the Commonwealth. Finally, the prisoners were remanded for a week for further discussion as to their future.

"At this point I wish to testify to my great admiration for the magistrate. In finally consenting that the girls might become members of the new and untried community, he ignored the insistent advice and gloomy, fearful prediction of each and every one of his assistants.

"Nor was he helped to this decision by the girls themselves, who repelled sullenly and insolently, any friendly advances on his part. I have always suspected that in finally agreeing to place the three girls in my care he was influenced by a desire to rid the Court of three undesirables. I fear that my insistence was unreasonable. I am sure that he

had no great confidence in the likelihood of a sudden change of heart on the part of the girls, for in committing them to my care he also placed at my disposal two constables and a police matron to help get them safely to the Commonwealth.

"I did not, however, avail myself of the assistance of the officers, for I dared not risk losing the girls. I preferred to depend upon their own good sportsmanship.

"On the appointed day I went to the place where the girls were detained, and in spite of the amazed protest of the matron, set off, single-handed, with my three desperate criminals for the Little Commonwealth.

"Needless to say, when our train drew out from Paddington an hour later the girls were safely aboard, in spite of the fact that they had had abundant opportunity to escape. In fact they could not have escaped, because there was no one to escape from. I did not even stay with them to watch them. Thus their first contact with the Commonwealth was that of responsibility and confidence.

"I would like to describe minutely the lives of these children during the next few days if our time would allow it. How, one by one, their virtues budded and blossomed out in their new environment. But when, after a fortnight, Mr. Cecil Chapman came to visit us, these children, who had insolently repulsed his friendly advances in the Court, now captured him as he was descending from his

carriage and bore him off to see their garden, their house, their home, and arm-in-arm, brought him back again, with wild flowers protruding from every buttonhole of his coat.

"His first question was, 'What have you done that has made those dreadful, hardened criminals into such delightful, free, natural children?' I insisted that it was none of my doing, nor that of my assistants, and not even of the place itself, but the nature of all children that he saw.

"I have described these girls in such detail for the purpose of showing you the sort of children that have become citizens of the Little Commonwealth, and will anticipate my story by telling you that these same girls are now valuable members of my staff. As interesting a story could be told of nearly every one of the sixty-odd citizens that have contributed to the growth of our community, whether boys or girls.

"For two weeks or thereabouts the girls were in sole possession of the Commonwealth. There was no government, no authority, and none needed. After the first day or two the girls naturally assumed a share of the work in the house. The matron, a motherly woman, with no experience in institutional work, accepted their help gratefully, but did not demand it. Then, as the girls began to make enquiries as to when others were coming, it was decided that we were ready to take in boys. I must admit that I shared to some extent the matron's fears that with the coming of the boys the peace of

our little family would be shattered, but for a different reason. She was a firm disbeliever in co-education, and could not see how we were to prevent adolescent human nature from its traditional tendencies. I knew that our peace was the peace of stagnation, and that boys were less apt than the girls to be influenced by the beauties of nature, the lovely hills and flowers and spaces of the country, and would probably bring with them the necessity for the introduction of some form of authority to limit the scope of their experiments.

"On the night of the boys' arrival there was a good deal of noise in the boys' wing of the house, which lasted until late. Both the matron and the girls appealed to me to stop it, but without result. Then things began to go badly. We were no longer a peaceful, orderly family. The boys were cheeky, noisy, and destructive. They did no work, but swaggered about defiantly. The girls had now become sufficiently acquainted with them to remonstrate vigorously for their hooliganism. They critcised the boys' table manners, their behaviour at night, and their laziness and lack of interest.

"The relationship between the boys and the girls became more strained each day, the boys purposely annoying the girls and the girls becoming more resentful and disapproving. I was asked repeatedly to take the boys in hand and stop their undesirable activities, but refused, insisting that it was not my function to act as policeman. I explained my posi-

tion in the presence of the boys as follows: We came here to do as we liked, and so long as we liked to break windows, yell, take fruit, and live at the expense of others, we would do so. If at any time we felt like doing something else that was more fun we would do that.

"The girls and my adult assistants made their disapproval of me and my attitude quite evident.

"About this time we were planning new cottages for the accommodation of more citizens. In the cottage in which we lived at the time of my story each boy was provided with a separate bedroom, while in the girls' wing two or more beds were placed in larger rooms. I may add that this was accidental, not by design. I had noticed that certain boys, being unused to the quietness of a Dorset night, had for companionship sake moved their beds into another's room and were sleeping double, as they called it. This gave me the opportunity I had been watching for to give the whole group some responsibility of a community decision.

"I asked the boys and the girls if they would help me to decide an important matter. We met after tea.

"I produced the plans of the new cottage and showed them that separate rooms had been provided for each person, both boys and girls. I stated that, as the cost of the building was much greater if constructed with separate rooms than if dormitories were installed, I presumed that since the boys preferred to sleep together in the same room we might

now alter the plans and provide dormitories instead of separate rooms.

"I proposed doing this, and asked if they approved. After a momentary pause, surprised that they should be consulted on a matter of such importance, they began to venture their opinions, modestly and timidly at first, but as differences of opinion were expressed, the timidity disappeared. Having successfully started the quarrel, I withdrew to a safe and remote corner. The hubbub was great. All talked at the same time, the one with the largest lung capacity being the object of the combined attacks of the others. Soon they appealed to me to put the loudest-voiced boy out because he was a disturber. I refused. Then, gradually individual opinions were heard. They had already begun to discuss matters other than separate rooms. True to my convictions that discovery is an essential element in the assumption of responsibility, I waited patiently until they should realise the futility of discussion without organisation and was rewarded when the biggest boy stood in the middle of the room, and with clenched fists threatened anyone who interrupted him. His parliamentary triumph was but momentary, however; he was soon deprived of the privilege of the floor. Finally, one of the girls suggested that someone should be chosen to run the meeting. This was done—a policeman was appointed.

"I want to call your attention to the fact that this

group of children, when given responsibility for their own affairs, chose a policeman with preventive powers rather than a chairman to give privileges. It was the business of the chosen leader to keep eleven people quiet while one talked. The meeting, however, having solved the preliminary problems of organisation, soon resolved itself into an orderly, deliberate body.

"It was finally decided that separate rooms were to be retained in the future cottages. The discussion was most interesting and sound. One of the girls finally summed up the whole matter—in a decisive speech, short and terse, but quite as much to the point as could have been expressed in a convention of doctors and psychologists—in these words: 'If you don't sleep good at night, the next day your face is all crinkled up, and you get into rows all day.' This view, which was accepted and applauded, finally impressed one of the group as being contrary to the habit of the boys, in indulging in their nightly noise-making enterprise. The matter was discussed. Having already decided that no boys should double up in bed, it was but a step farther to decide by vote that making a noise after ten o'clock was detrimental to public good.

"The question of bathing was taken up, and other matters pertaining to personal comfort and welfare.

"Now, at this, the first meeting of the citizens

of the Little Commonwealth, the decisions of the majority were accepted and adopted by all, even the minority. For the child is loyal to *his* public opinion, spontaneously.

"These decisions were not called laws, in fact they were not called at all. They were accepted without a label. Nor was there a suggestion that the girls should not have the privilege of voicing their opinions, and of voting. That came later, after labels were affixed to the meetings. These meetings became frequent, one being called nearly every evening to discuss some matter pertaining to the intimate affairs of the little community. Soon it was apparent that some system of recording decisions was necessary, for at each meeting there was under discussion some violation of decisions previously made, and the excuse usually given was that the matter had been forgotten. Then, too, frequent disputes arose as to the exact meaning of the decisions. So a clerk was chosen to write down the decisions.

"Then another difficulty arose, and was solved by discussion and vote.

"The business of regulating the affairs of the group was always delayed by discussions of violations of previous decisions, so that it became increasingly difficult to get through the business. It was decided to divide the business of the community into two different kinds, and to hold meetings on alternative evenings for each.

"Thus the judicial was created as distinct from the legislative.

"One of the girls was chosen to preside over the judicial meetings, but as yet these meetings had not been called 'courts.' In the midst of one of them, however, someone used the word 'court,' and referred to the chairman as a magistrate. Almost instantly the character of the meeting changed. The boy whose evasions were under discussion, and who up to the moment had been on the defensive, changed places with the girl judge. Public opinion was with the boy, and against the judge and the law. The witnesses lied valiantly in the interests of the boy defendant, and disorder and horse-play broke up the meeting. Afterwards the boys said that no girl had a right to sit in judgment upon a boy, and the girls agreed. The girl judge resigned.

"For several days there was no court held, but finally, when things began to go badly again, it was seen that the court must be reorganised in the interests of the peace and welfare of the community. Then a boy was chosen as judge, but in recognition of certain qualities that would remove the taint of association with our adult Courts. The very boy who had the least regard for law and order and the conventions of society was elected to fill the judicial chair. I was amazed and disappointed, for I did not yet see all that was involved in these events. However, I preserved outward calm and watched. The court again took

up its work, and I was surprised at the ability of the judge and his loyalty to the laws.

"Within a few weeks, however, this boy was impeached in his office and deposed, because he himself furnished the greater number of cases for his court and, obviously, could not judge himself. The original girl judge was then re-elected, and presided with remarkable ability over the court for three terms.

"It is obviously quite impossible for me to complete the story of the growth of the Little Commonwealth in such detail as I have described the events of the first few weeks, much as I should like to do so, and helpful as such a description would be to our understanding of the characteristics of the juvenile delinquent.

"But with these incidents as the starting-point, the citizens have assumed entire responsibility for the organisation of their government. The discipline of the individuals in the community is entirely in their hands. The Superintendent and his adult assistants are citizens and subject to all the laws and rules of the community on exactly the same terms as the younger citizens. There is a citizens' court meeting weekly, where all offenders against the laws are tried and dealt with, where strained personal relationships (either social or financial) are adjusted, and where the ethical standards of the group as a whole are determined as a guide to the individual. There are weekly sessions of citizens for legislative purposes. The

officers of the government are elected by the citizens for terms of six months.

"The community is primarily a working community, each citizen supporting himself by his own labour. A two-hundred acre farm, the building of new cottages, workshops, and farm buildings, a steam laundry, gardening, housekeeping, &c., provides each citizen with a limited choice of employment. Each one is paid wages in money for his or her work. Each chooses his place of residence with a view to congeniality. There are four cottages or families, each entirely separate from the others in the matter of diet and social activities. The members of the families are assessed weekly for their proportion of the expenses of the food, fuel, house service, &c. The community supports a shop, where the families purchase supplies and where the citizen buys his clothing and spends his surplus earnings, foolishly if he so chooses, or he may deposit his savings in the citizens' bank against future needs. If the newcomer chooses to go a-fishing or to idle away his time, he may do so without interference until his board bill is due. If then he cannot pay, the taxpayers must provide the necessary amount by assessment, and the fisherman is reminded more or less forcibly, as the case may require, of the privilege which is his of earning his own living.

"The employer of labour simply discharges incompetent or indolent employees, and then, if the slacker fails to secure other employment, he must

draw upon the taxpayers for his expenses. It is all very simple and matter-of-fact. The atmosphere of industry, earnestness, and self-reliance is notable. The social life is joyous, homely, and wholesome. There is an evening school, well attended, as well as jolly parties and an occasional banquet on certain anniversary days.

"And now the question may arise in your minds: What exactly has brought about so notable a change in this group of so-called criminal children? They are now using the tremendous energy of the adolescent, formerly employed in upsetting law and order, in organising and maintaining order. What has brought this about? My answer is that in the community these children are expressing their normal activities, because they are free to exploit all their ideals, bad as well as good. The bad ideals are eliminated voluntarily, because they do not produce satisfying results. A bad ideal, once it has been exploited to its final conclusion, is eliminated for all time, and a new one formed. By this simple process of elimination the good is left. Outside the community there is too much interference with, and too much suppression of, the child. He is checked by some authority with whom he is not in sympathy before he has had a chance to discover for himself the futility of certain forms of self-assertion.

"Many visitors to the Commonwealth, seeing unmistakable evidence of the wholesomeness and sweetness of the general atmosphere of the com-

munity, assign the credit to the adult influence at work among the citizens. They believe that some specially gifted personality makes the Little Commonwealth successful, but are sceptical as to the possibility of extending the same degree of freedom to other communities of children.

"Here is the history of a boy who became judge at the Commonwealth and left it to join the army. His first arrest was for gambling in the street. He was taken to the police station, and his parents summoned forthwith and instructed to take charge of him until his appearance before the magistrate. The whole operation of his arrest and release took but a few hours. He rejoined his companions somewhat crestfallen that he had no cell experience to relate to them. He had been ambitious to be locked in a cell. He was ordered to be birched by the magistrate and bore the painful operation without a whimper, but firmly resolved to 'get his own back.' The birching made him something of a hero in the eyes of his followers, and his swagger became more pronounced. He grew bolder in lawlessness. He was arrested several times during the following months for gambling, stealing, and malicious mischief. Each offence brought an increased number of strokes with the birch. When on one occasion he was locked in a cell all night to await trial in the morning his pride was boundless. For now he was being treated with all the dignity that his ability demanded. His very evident pride in his

position in the prisoner's box in the Court-room led the officials to the conclusion that he had become a hardened and confirmed criminal.

"At this point he was sent to the community, where being free to indulge his love of self-assertion he gradually discarded those ideals, one by one, that had heretofore brought him into conflict with society. It was his own inherent virtue that made a man of him.

"Now one more incident to illustrate the remarkable understanding of each other that is always in evidence among children. This incident will also show why the citizens have not followed the precedent of the larger community and established a prison as an aid to civilisation. It will show that children are much more scientific in their treatment of offenders than we adults are.

"One of the boys was a great problem in the community. He was always before the court for some error of omission or commission. He could not keep out of trouble. All the penalties available to the judge had been imposed upon him but without the desired results. He became sullen and defiant. He refused to work, and purposely committed acts in defiance of the laws. He became what would, in the greater community, be called an habitual and confirmed criminal, and would have been sent to prison. It was a girl judge upon whom the responsibility for his future relationship with the community fell. Week after week Ted got deeper and deeper into trouble.

During one of the court sessions, after complaint upon complaint had been brought against the unruly, defiant lad, the girl judge, realising the futility of further penalties, arrived at this decision in the case. (Let me explain here that Ted's mother had recently visited the Commonwealth and won the respect of every citizen by her gentle ways.)

"This was the judicial finding in the case. 'No boy would act as Ted does if he has not forgotten his mother. It is of no use punishing him, for it only makes him worse. He has lost his self-respect. What he needs is to get acquainted with his mother again and get his self-respect back. I shall send him home for a week's holiday at the expense of the taxpayers.' Ted, who up to now had been defiant and hard and triumphant, burst into tears.

"He spent his week at home, and returned a changed boy. The important part of this incident is that the judge ordered that the mother should not be informed that Ted was not enjoying a well-earned holiday, and that before his visit was over Ted himself told his mother of the circumstances under which he was at home.

"This was a girl judge. We have had both boys and girls as judges and have had an opportunity to compare the relative qualities of each sex, in a judicial capacity. Without any prejudice, I have arrived at the conclusion that in the Commonwealth the girl judge is the most skilful in

treating offenders against the laws. The difference in method is that the girl, true to instinct, makes her decisions with reference to the effect upon the offender, often ignoring the law, to find the right action to take, while the boy judge has the law and the letter of the law in his mind, to the exclusion of its effect upon the offender.

"Can any one doubt the capacity of the citizens of the Commonwealth to govern themselves in view of the recent compulsory education law which they have enacted.

"The law requires 'that every citizen shall attend school two hours each day until he can satisfactorily pass an examination of a certain defined grade.' This law imposes upon themselves two hours' school work, in addition to a full working day spent in their different manual occupations.

"I could wish for more of your time in order that I might try to convince you, by illustrating from incidents in the history of the Little Commonwealth that we borrow much unnecessary trouble by not allowing greater scope for the activities of our children. But since we have not that time at our disposal, I will extend to you a cordial invitation, in behalf of the citizens, for they will be your hosts, to visit the Commonwealth, and observe for yourselves what the effect of true freedom is upon children, at the time when nature intended them to assume social responsibility. I believe that social responsibility is essential to the adolescent, else the new forces that

come into being within him, forces that impel him irresistibly to action, will be prostituted, and become a destructive force, instead of a spiritual engine."

The obtaining of a certificate as a Reformatory School for boys and girls together for an association of juvenile delinquents, such as that above described, is surely one of the most remarkable triumphs that has as yet been achieved by any social or penal reformers.

The facts that the visit of the late Chief Inspector, Mr. Russell, and the head of the Children's Department, Mr. Aitken, impressed them so favourably that they were able to recommend this grant, and that the Home Secretary, Sir George Cave, felt justified in making it, have placed the Little Commonwealth in a position beyond the need of an apology for its methods or its existence.

Having, however, sent several children there, and having myself visited it, I should like fully to confirm all Mr. Lane has said as to the marvellous effect of the system upon the inmates. I shall never forget that visit, for I have never, I think, experienced so complete a conversion to a belief in what had seemed to be almost unbelievable.

Knowing from experience a good deal about the type of boy and girl assembled in the community, their utter lawlessness, their wild resentment of control and the depravity of their former surroundings, it was indeed a revelation to find

them free, happy, and under no external authority, and yet at the same time industrious, self-controlled, good citizens, loyally obedient to their own rules and government.

In one respect only I find myself in disagreement with Mr. Lane, and that is in his estimate of his own share in what has happened. It is true that to the utmost of his power he eliminates his own personality, but that personality is there and is a subconsciously powerful one.

The very gift of self-elimination is one which few men possess and which needs a strong character to maintain. Loss of self-control, irritability, depression, departure even for a moment from the fixed principle in view, and the whole scheme would in its earlier stages have probably suffered shipwreck.

I think this note of warning is necessary, because, believing as I do immensely in the ideal and hoping to see a very wide extension of the principles involved, I feel that similar experiments should be inaugurated with the greatest possible care in the selection of a superintendent.

Another Experiment

An interesting experiment on somewhat similar lines was recently started. Its principles were even more advanced than those of the Little Commonwealth. It was from the outset handicapped in many important respects and has not in consequence yet achieved success, although I

still believe that it may ultimately do so. A brief sketch of the difficulties with which it has had to contend may be useful.

(i.) The site chosen was close to a highly respectable provincial town. The presence of wild boys and girls from East London uncontrolled in the streets, was very naturally resented by the inhabitants and eventually complained of by the police. Both the people and the police, however, showed the greatest patience and consideration, and this trouble was finally overcome by the inmates of the colony themselves making rules restricting unlimited access to the town. Any such colony, however, should in my judgment be established quite in the country, as far removed as possible from a town. That the Little Commonwealth is thus placed is, I think, one of the secrets of success.

(ii.) The experiment was begun with boys instead of (as by Mr. Lane) with girls. This, I believe, was also a great mistake. Girls have a far better idea of "making a home" and a far greater interest in household matters than boys. The latter, left to themselves, merely ran wild, and when some girls did at last arrive they found a condition of chaos and discomfort which discouraged them from the outset.

(iii.) The number of boys always considerably predominated over girls. This again made it

more difficult to settle down into homelike conditions.

(iv.) The principles upon which the colony was established militated greatly against its initial success.

(*a*) In the "Little Commonwealth" the system of paying wages to all citizens formed an immediate inducement to steady and regular work, but in the later experiment the idea was that the inmates after an orgy of "liberty" should grow to feel for themselves the necessity and happiness of work. While it may be that this very high ideal is not in the end impossible of attainment (and indeed a great advance has been already made in this direction), it is obvious that at least it must greatly lengthen the period of disorder to which such a colony is inevitably subject in the first instance.

(*b*) The conception that it is only the good that each individual can discover that has any real and lasting effect, was carried to its most extreme conclusion. It was left to every inmate to find out for himself what is right and true and admirable without any outside assistance or suggestion. This is, I venture to think, a vital fallacy. It is perfectly true, I believe, that the root-evil of nearly all existing methods of dealing with children is excessive outside

control, the "teaching" of children instead of the letting them learn, the stuffing of goodness into them instead of bringing out the good that is there, the enforced external discipline instead of the encouragment of self-discipline, and the preaching that has little relation to practice. But realising as one may all this, it is surely possible, and almost equally dangerous, to go to the other extreme. To refrain from even the suggestion of what is right until the right is voluntarily demanded, to withhold knowledge until that knowledge is deliberately sought after, and to leave minds in which evil influences have hitherto enormously predominated to work out unaided their own salvation, seems to me rather the abandonment of all that has been gained by the struggle towards the light of countless generations, than the right employment of such wisdom and experience as civilisation has attained. Even if one concedes the point that these children may without help ultimately reach as high a level as, with assistance, they would gain, can it be a right principle to leave them for a wholly unnecessary length of time at the lower level from which they might long since have risen? Life being so brief and youth so much more brief, ought not the process of development to

be as far as possible expedited? Again, is it is not too likely that some, at least, who with help might have risen, without it may sink, or that the long-continued chaos and unrest may produce at last in some, at all events, a moral incapacity for ultimate order? It is, of course, urged on the other hand that the experience gained in the solitary struggle has an enormous mental and psychological value, for the loss of which no assisted development could compensate, and this point of view is one which is at least worthy of fair and impartial consideration. My own conclusion, for what it is worth, is that while self-discipline and self-development are the ideals to be aimed at, this aim need not exclude, but may well include, the helping, if not the guiding, hand of riper experience.

I cannot pass from the subject of this experiment without paying a warm tribute to the marvellous patience, self-sacrifice, and devotion of those who are responsible for it, and expressing an earnest wish that the invaluable experience gained may lead to such a wise development of method and principle as will secure a final and lasting success. It is the very essence of experiment that it should involve partial failure, otherwise it would not be experiment but certainty, and the partial failure of an experiment in sociology is no

more to be condemned than the partial failure of an experiment in chemistry, subject only to this qualification that, since the former deals with human lives, no experiment is justified that does not certainly tend to improve those lives. That this qualification exists in the experiment to which I have referred, and that the boys and girls who have undergone it are the better for it, and not the worse, I am satisfied.

THE WOMEN'S TRAINING COLONY

"The Women's Training Colony," writes Miss M. L. Shaw, "is an attempt to restore to normal citizenship some of the women and girls who need a fresh start in life. For some time it has been felt that the present preventive Homes and penitentiaries do not meet the entire need of present-day conditions, and their desire for rigid classification makes it extremely difficult to know in what category to place certain delinquents. It is not always possible to know whether a young girl should be sent to a preventive or rescue Home, and if she be convicted of theft as well as being a technically 'fallen woman,' the majority of Homes refuse her. This tends towards segregation of offences, and the result seems on the whole unsatisfactory, due to an artifical arrangement of inmates. The whole system is based upon the attitude of fear, lest one should harm another. For this reason much supervision is required, and that weakens the will-power of the girls, who are

already suffering from the fact that it is not strong enough for their own protection. On returning to the conditions of the world they are too often like hot-house plants, unable to stand up against adverse environment. The Colony believes in the system of self-government, and while admitting that risks must be run, prefers to have these risks, rather than an unnatural condition of things which are not strengthening to the character.

"The Colony does not wish to take girls or women who would be eligible for existing institutions, but those who, even if they would consent to go to them, would speedily be sent away as being too restless and not amenable to discipline. The tuberculous and feeble-minded are not accepted, nor are maternity cases at present, but otherwise the statement that 'no Home will take her' is the very reason why her application must be considered. The girl who cannot be described as 'better class,' and yet has been living in luxury and refinement, cannot be expected to go to a Laundry Home; and needlework, with its long hours for undistracted thought, is no solution for such a problem.

"A property in Berkshire has been bought—a roomy house, with twenty acres of land, some of which is let to a neighbouring farmer. There is also a gardener's cottage, and altogether thirteen to fifteen colonists and the staff can be comfortably housed. The property is about two miles

from the market town of Newbury, where the lady gardener means later to sell some of her poultry and garden produce. The girls will be trained in gardening, poultry-keeping, &c., housework and needlework, and it is hoped that one day weaving, basket-making, and other handicrafts may be introduced. Extension will take the form of cottages, built on the top of the hill, for the grounds slope considerably. Each cottage will have its own house-mother. A weekly conference will be held, when the colonists will discuss various matters, and decide how things shall be carried on for the welfare of the community. They receive a small wage per hour for work done, but, after a year, any who care to remain will be paid at piece rate. There is a room set apart for a chapel, in the house, but full religious liberty is given to non-Church members, and they will be encouraged to get into touch with ministers of their own denomination. The staff at present consists of the warden, house-superintendent, garden-superintendent, and matron.

"The Colony is largely in the nature of an experiment, and, as such, no hard and fast rules can be drawn up. It is therefore very difficult to give an account of it; and perhaps it is truest to say that the Colony is an attempt to find the sort of environment *which the girls themselves think will best help them* to regain self-respect and start anew in life's battle, with some trade or handicraft properly learned, so that they shall not be at an

economic disadvantage when once more, or for the first time, they try to earn a living wage."

SOME SUGGESTIONS

It may be wondered why this experiment should be included in a book dealing with delinquent children. The answer is that it seems to me that the best solution of the problem of dealing with juvenile prostitution would be the inclusion of girls under nineteen years of age in the benefits of the Children Act. This change would be brought about by the simple amendment of extending the definition of a young person so as to include a girl under that age and over fourteen years old (Section 131), coupled with an extension in Section 65 enabling girls to be detained in a certified reformatory until the age of twenty-one instead of nineteen years.

The effect of such a change would be:

(*a*) That girls under nineteen would be charged in the Juvenile and not the Adult Courts;

(*b*) That they would be detained while awaiting trial, or on remand, in a remand home and not in prison; and

(*c*) That they would be sent to a certified reformatory under Governnment inspection and supported by a Government grant.

I think that nearly all social workers would agree with me that a life of prostitution is very largely entered upon by girls before they attain the age of nineteen years, and that the hope of the

rescue of such girls depends mainly on influencing them in the earliest stages of their career. Accepting these postulates, it is, I think, obvious that on these young girls being first charged with the offence of soliciting, a public hearing in adult Courts and incarceration in an ordinary prison must necessarily have the worst possible effect.

Their cases need the same quiet and sympathetic handling that is essential in the cases of children; their antecedents and home surroundings require equally to be taken into account, and the best methods available for their reformation to receive a like patient and careful consideration.

The objection that it would be undesirable to allow girls between sixteen and nineteen charged with solicitation to mix with children could be easily met and surmounted. Their cases could be dealt with after the ordinary business of the Children's Court, and a special Remand Home provided.

The question is one of so much urgency at the present time that it is necessary to approach it with a mind freed from the confusion of thought that so largely surrounds it.

Whilst it is readily conceded that legislation may do much to improve both social and moral conditions, it must be equally recognised that there are limits beyond which it is powerless.

The present policy of the criminal law—and I venture to think it is a wise one—is to regard the existence of prostitution as being outside the scope

of punishment. It is only when prostitution leads, directly or indirectly, to disorder that it becomes criminal. I believe this to be wise for the simple reason that to leave untouched those who create the demand while punishing those who furnish the supply, is contrary to all principles of justice, while to make the former also punishable is impossible.

The case of girls under nineteen (or, indeed, under twenty-one) years of age stands on a different footing. They should be brought before the Courts, not because they have committed an offence in being prostitutes, but because they are still "infants" in the eye of the law, without sufficient knowledge and experience to elect to lead a life so obviously detrimental to their best interests. Their treatment should accordingly be purely reformative and in no sense penal; in other words, they are simply "young persons" living in bad surroundings, to be rescued by the Juvenile Courts, and not criminals to be punished by the adult Courts.

For girls such as these a Home conducted on the principles of "The Women's Training Colony" would furnish the most effective means of reform.

While I believe that to attempt to stamp out prostitution by law is necessarily doomed to failure, I am convinced, on the other hand, that a very large number of those women and girls who lead this life would gladly abandon it if the path of reformation were made easier for them. As

long as the only means of escape is the conventional "Rescue Home" they will look upon even a term of imprisonment as preferable, and prefer to continue their present lives, however wretched; but I feel sure that such means of escape as "The Women's Training Colony" offers would be gladly welcomed by large numbers.

If the experiment succeeds and the number of such colonies is increased, it will, of course, be possible to provide for different ages and different types of girls in different institutions. The great essentials in all of them should be that the life led in them should be as free and as healthy as possible; that the inmates should be regarded, not as degraded outcasts guilty of a sin greater than all other sins, but as citizens of self-governing communities striving for themselves to develop their own lives on better lines than they have followed in the past. Such colonies should be open to all to enter, and those who do so voluntarily should be likewise free to depart. When, as I believe, the reformative process in such cases as these ceases to be willingly undergone it ceases to be effective, and the demand made by Homes for a compulsory residence for a fixed period is a confession of their own inefficiency.

While there is no doubt that vice will continue to exist and that large numbers of women and girls will deliberately and wilfully lead the lives of prostitutes, it is at least possible to ensure that no woman or girl *need* lead such a life, and that

her means of escape from it involves no unnecessary hardship or degradation.

By these means, though prostitution must continue, "white slavery" in this country can be made an end of.

The savage punishment meted out by society to the less guilty of the offenders against the moral law has, as is the nature of all such punishment, only increased the evils against which it is supposed to guard. It is still too little recognised that frailty is a far less heinous sin than selfishness and injustice. The father who drives his erring daughter from her home, to suffer alone the terrible consequences of her sin, is often looked upon as the embodiment of lofty virtue, instead of being considered, as he ought to be, a cowardly hypocrite. The consequence of this attitude is that the girl, who might have done good service to the State by the careful bringing up of her child, is deliberately driven to prostitution, while the child itself is left to die of neglect in a baby farm, or to become the inmate of an institution supported by charity or the State.

One would have thought that the penalties decreed by nature for female frailty were in themselves sufficient, yet no effort is spared by mankind to add to these penalties every insult and injury which malice can effect or imagination suggest. It is only when the maddened and tortured woman, driven to the last depth of depravity by the scorn of those who should have cared for and

protected her, becomes a source of swift spreading and contaminating disease, that the society which has mercilessly driven her forth upon the streets becomes alarmed for its own safety and calls aloud for legislation to suppress the wretched being whom its own injustice has created. Spurned by all respectable persons, hunted down by the police, driven from one place of resort to another, the prey of the brute, the bully and the blackmailer, walking abroad always with the lazarus bell around their necks, these poor victims of man's lust are punished with a cruelty meted out to no other sinners. Because their punishment is wholly excessive and unjust, nature has stepped forth to avenge them, and has visited a dire retribution upon those who have shown neither mercy nor pity. If the nation is not yet moved by the appeal of religion or humanity, it would be well that it should at least realise that it is vital to the health and well-being of future generations that the question of prostitution should be dealt with in a more sane and intelligent manner than hitherto.

THE CALDECOTT COMMUNITY

"The Caldecott Community," writes Miss Rendel, "has existed now for nearly five years. It was opened in a very poor neighbourhood of St. Pancras as an experimental school for the small children of the working class who were under compulsory school age. Those who were responsible for the scheme had had considerable experience of

children in masses; they had seen others' treatment of children in masses, and they were dissatisfied both with their own ready-made theories and methods and with those of others, and they wished to have a free hand to deal with individual children as each fresh emergency arose. So the Caldecott Community sprang into being.

"From the first the school was experimental, with no strongly defined aims or methods, although its educational system was primarily based on the belief that non-collective teaching is the best for children of all ages. In October, 1914, the hon. directors and the council of the Community decided that the Community should be responsible for the children until leaving age, and that it should be (to quote from its constitution) 'a self-contained institution touching the physical, mental, and spiritual aspects of child life from infancy to adolescence by means of a Day School, Play Centre, Holiday School, Mothers' Club, and other activities affecting their daily life.'

"At the end of three years' work its methods are almost as indefinable as at the beginning, but it is still struggling to give every child that completely individual treatment—physical, intellectual, and moral—which those responsible for the Community feel to be imperative for the full development of personality. In this direction the early years of the school have been very fruitful, and the children themselves, in the freedom in which they have developed, have exposed the danger of

much of the 'mob' teaching of the conventional educational methods, as they have already become such strong personalities, with such pronounced inclinations and desires, that it would now be impossible to teach them in large classes, for no two children are at the same stage, or require the same management or the same presentation of any subject. Those responsible for the Community, however, do not wish it supposed that they advocate individualism run riot, or even untrammelled freedom for every child. Human nature being ever inconsistent, inconsistency of treatment must be expected to arise. No theories, either old-fashioned or modern, can apply to every child, and, at the Caldecott, methods of treatment vary from early-Victorian discipline to the complete freedom of the Montessori school; they not only fluctuate according to the individual child, but vary according to the stages of development of that child. For the most part, however, the inner compulsion and the inner discipline have proved immeasurably superior to the usually accepted rules, punishments, and obediences of ordinary child life.

"A short account of the school day may show how it is possible to give individual attention to each of the children while at the same time preserving that background of law and order without which no civilised community can exist.

"School opens at nine o'clock, and a full half-hour is given to the cloakroom. Prayers are at

9.30, when all but the babies of three and four assemble in a circle.

"For a brief half-hour the children are led through the simplest and most beautiful form of worship, to some sense (at present quite unconscious) of being linked to one another and to all things joyous, beautiful, and good. Prayers over, the children disband to their respective schoolrooms.

"Small tables and chairs are put out, to seat one only, and the children set to work undirected by the teacher. Some of the older children (none are yet over nine years) are working by time-tables, not of the teacher's making, but of their own. These time-tables are made up the last thing on Friday afternoon for the following week. At the beginning of each time-table is a list of all the things the child can do with his hands and his head. He has been trained to know that it is unwise to give all his time to head-work or to hand-work alone. At the beginning of the book is also a list of lessons that can be given by the teacher. Each child's list is, of course, different. The teacher also has a time-table ruled in the same manner as the children's. If Mary asks for a history lesson on Tuesday, she fills up the desired space in her time-table; if it is already booked another place is found for it. Two children who are at the same stage are often taught together. But a child who can stand comparatively advanced work in geography may be working with a

backward child for dictation or tablework. With such time-tables as these the children are soon at work. Other children in the room have not reached the stage of looking a week ahead. To plan work for the day is sufficient, and they write down how they mean to spend their time, and at the end of the day write what they *have* done. Other children —not necessarily the youngest—merely work upon the impulse of the moment, and record what has been done at the end of the day. Others who cannot write have not even reached this stage.

"The teacher sits at the table, and after a few minutes of bustle, peace reigns. This may be upset by the banging of the clay upon the table, and if it seems to distract others the culprit is asked to desist. A child may come up for help with needlework, or a reader fail to tackle a long word. If a history lesson is down upon the time-table, a chair is brought to the teacher's table, which is also low, and reference books produced. Teacher and student then proceed. Two or three such lessons may be given in the morning, and still leave time for helping here and giving a hint there. Let it not be thought that every morning goes peacefully, though after five years of free discipline the directors have no longer that agitation of spirit which wonders what upheaval the next moment will bring. There will be moments of unrest; there will be days when nearly all the children seem to need attention. There will be days on end when none of these things happen,

when even a fire-engine or an airship could not upset the tranquillity of the room for more than a brief moment. Such days as these foretell great things for the future, when concentration is a less fleeting thing and powers of resistance greater.

"At 11.15 there comes a period of free play spent in the Square garden in the summer time, or a "Sing-song" is held in winter, after a few minutes of drill. From this, again, certain children are eliminated.

"In addition to the individual treatment of the child in the schoolroom, much is done on the physical side, without which all efforts to produce wise, sane, and intelligent beings would be thrown away.

"Dinners are provided for a few pence; the children of mothers at work may also remain to tea. There is a weekly visit from the doctor and dentist, medicines; and so much attention is given to personal appearance that visitors will not believe these are the children of the poorest artisan class of St. Pancras. In fact, the experience of those working with the Community is tending to show that, with few exceptions, there is no need for the slum type against which it wages war, and that out of what outwardly appears to be the worst material you may make fine citizens, with more resistive power and greater initiative than amongst those who are so sheltered that they never come in contact with life itself.

"The community is still in its infancy, and must

grow slowly to meet the growing needs of its children; even now it is proposing to extend its sphere and to take its children to the country, returning them to their homes for regular holidays, thus becoming the first boarding-school for working men's children. The need for this step is becoming increasingly felt as the children get older, for the confining effects of the crowded tenements, the crowded courts and streets, the poor food of the homes, and the four walls of the school-house are already cramping the full development of the Community's children. The Community's parents are the first to realise this, and are anxious that their children should live in the country. They have offered weekly payments for them, and every care will be taken by the directors to continue to foster that sense of parental responsibility which has always existed in an unusual degree amongst the parents of the Caldecott Community."

The Community has now attained its ambition and has acquired an admirably suited house and grounds at Charlton, near Maidstone, to which from thirty to forty of the London children have been transferred.

The ultimate results of the happy and healthy life of a boarding-school in the country for these products of town life have yet to be observed and chronicled, but that the experiment is one of profound interest and importance there can be no doubt.

APPENDICES

APPENDIX A.—Old Street Juvenile Court Figures.

Table showing the nature of the offences charged.

BOYS.

Year.	Larceny Act.	Suspected Person.	Wilful Damage.	Indecency.	Assault.	Attempted Murder.	Gambling.	Found Wandering.	Beyond Control.	Begging.	Unfit Parents.	Failing on Probation.	Army Absentee.	Petty Offences.	Cruelty.	TOTALS.
1911	234	5	3	—	4	1	54	59	19	25	14	—	2	21	—	441
1912	299	15	—	—	3	—	14	83	25	54	22	3	1	26	1	546
1915	554	5	2	4	6	—	22	77	43	6	36	6	4	35	13	813
1916	623	18	14	1	9	—	13	110	59	1	34	4	3	40	15	944

GIRLS.

1911	21	—	—	—	—	—	—	36	3	—	3	—	—	—	—	63
1912	13	—	—	—	—	—	—	29	7	4	7	1	—	1	—	62
1915	40	—	—	—	—	—	—	23	17	4	9	1	—	1	—	95
1916	39	1	—	—	1	—	—	32	18	—	12	—	—	—	—	103

APPENDIX B.—Old Street Juvenile Court Figures.
Table showing the way in which charges were dealt with.

BOYS.

Year.	Discharged forthwith.	Discharged after Remand.	Bound Over.	B.O. Recognizances.	Put on Probation.	Fined.	Whipped.	Industrial School.	Reformatory.	Poor Law.	Military Escort.	Totals.
1911	129	—	22	—	64	56	49	96	23	—	2	441
1912	91	50	64	—	90	38	57	124	29	3	—	546
1915	104	88	13	147	129	80	63	155	27	3	4	813
1916	88	208	9	120	130	141	36	177	21	11	3	944

GIRLS.

1911	15	—	2	—	9	—	—	34	2	1	—	63
1912	5	8	2	—	5	1	—	35	3	3	—	62
1915	10	5	2	12	18	2	—	31	2	13	—	95
1916	6	20	—	10	20	2	—	31	2	12	—	103

APPENDIX C.—Old Street Juvenile Court Figures.
Table showing ages of Children charged.

BOYS.

Year	Age. 2	3	4	5	6	7	8	9	10	11	12	13	14	15	Totals
1911	2	1	—	6	6	4	26	30	24	43	60	75	71	93	441
1912	3	1	3	1	6	10	27	30	58	75	93	91	56	92	546
1915	1	2	2	3	2	5	26	45	83	130	148	142	94	130	813
1916	—	6	3	1	6	8	32	49	88	135	169	186	108	153	944
Totals	6	10	8	11	20	27	111	154	253	383	470	494	329	468	2744

GIRLS.

1911	—	1	2	3	3	5	3	6	4	9	6	8	2	11	63
1912	—	2	1	6	4	6	4	6	3	2	10	9	3	6	62
1915	—	1	1	2	2	3	5	7	8	9	12	14	11	20	95
1916	1	1	1	3	3	4	7	6	10	12	14	9	16	16	103
Totals	1	5	5	14	12	18	19	25	25	32	42	40	32	53	323

APPENDIX D.

OLD STREET JUVENILE COURT FIGURES.

Table showing the comparative value of different methods of treatment as deterrents to delinquency.

YEARS 1915 AND 1916.

The total number of children charged in these two years was 1,955. Of these, 362 had been previously charged, showing that about 19 per cent. of all children charged return.

Analysing these figures according to the method of treatment, we obtain the following results :—

TOTAL NUMBER.		RECHARGED CHILDREN.	
Discharged or bound over	751	Orginally discharged or bound over ...	275
Put on probation ...	297	„ Put on probation ...	36
Fined	225	„ Fined...	13
Whipped	99	„ Whipped	35
Otherwise dealt with ...	583	„ Otherwise dealt with	3
Total ...	1,955	Total ...	362

A comparison of the two sets of figures would seem, therefore, to show that about

29	per cent.	of children	discharged or bound over	return.	
13	„	„	„	put on probation	„
6	„	„	„	fined	„
35	„	„	„	whipped	„

NOTE.—Since, of course, many of the cases were dealt with orginally before the years 1915 and 1916, and many of the children charged during those years will probably be recharged in the future, the percentages are based upon an assumption of equal methods of treatment in different years. They are not therefore put forward as being entirely accurate, but only as indicating approximately the results set out.

Of the 583 children described as "otherwise dealt with," 446 were sent to schools, nominally till 16 or 19, and would therefore very rarely again come before the Court.

APPENDIX E.—Old Street Figures.

Table showing Monthly Variations in the Number of Charges.

	Boys.						Girls.					
	1911	1912	1915	1916	1917		1911	1912	1915	1916	1917	
Jan.	34	50	59	92	106		3	8	5	14	4	
Feb.	24	25	58	108	91		7	—	5	9	6	
Mar.	37	50	85	68	70		3	—	3	8	9	
Apl.	26	52	81	98	43		—	7	12	10	2	
May	49	49	76	97	70		5	5	5	9	5	
June	57	42	75	56	58		3	8	10	11	7	
July	30	45	64	60	101		5	4	17	8	4	
Aug.	25	37	60	56	55		5	5	5	5	6	
Sep.	47	51	42	58	47		4	5	3	3	7	
Oct.	39	42	72	86			5	6	7	9		
Nov.	32	57	53	80			10	9	11	11		
Dec.	41	46	88	85			13	5	12	6		
	441	546	813	944	641	3387	63	62	95	103	50	373

APPENDIX F.

Table showing the Number of Children charged in the 1st Division New York Children's Court during the year 1915, the offences with which they were charged, and the method of dealing with them.

	Acquitted.	Discharged.	Recognizance B.O.	Fined.	Detained Default of Fine.	Adjourned B.B.	Committed to Institutions.	Placed on Parole (Probation).	Cases Pending.	Totals.
No proper Guardianship	—	764	—	—	—	—	1,041	1,635	248	3,688
Moral Danger.....	—	12	—	—	—	—	26	51	10	99
Beyond Control	—	56	—	—	—	—	112	230	19	417
Assault.....	32	52	17	1	—	10	8	88	6	214
Larceny, etc.	136	208	22	—	1	91	193	827	24	1,502
Disorderly Conduct ...	97	568	12	195	304	300	41	512	6	2,035
TOTALS	265	1,660	51	196	305	401	1,421	3,343	313	7,955 GRAND TOTAL.

APPENDIX G.—Old Street Figures.

Table showing the Educational standards and ages of those convicted in the Juvenile Court during the month of March,* 1917.

AGES.

	Under 7	7	8	9	10	11	12	13	14	15	Total
Boys	—	1	1	5	7	9	11	10	10	16	70
Girls	—	—	1	1	—	—	—	3	3	1	9

STANDARDS.

	O.	I.	II.	III.	IV.	V.	VI.	VII.	Ex-VII.	Totals
Boys	7	2	6	16	12	15	10	5	1	74†
Girls	—	1	2	—	—	4	2	1	—	10†

REGULARITY OF ATTENDANCE.

	Fairly Regular.	Irregular	Exempt, No Record.	
Boys	48	26	—	74†
Girls	2	5	3	10†

* March is chosen as a normal month.

† The school attendance numbers differ from the Court numbers because in the former 5 cases from February are included.

APPENDIX H.

Extract from the Judicial Statistics

Table showing Number of Children and Young Persons charged

(1) OFFENCES.	(2) Number proceeded against.	Cases *not* dealt with Summarily. (3) Charge withdrawn or dismissed.	(4) Committed for Trial.	Cases Dealt with Summarily. (5) Charge withdrawn or dismissed.	Charge proved—Order made *without* Conviction for (6) Dismissal.	(7) Recognizances.	(8) Probation.	(9) Committal to Industrial School,	(10) Committal to custody of Relative, &c.	(11) Sending to Institution for Defectives &c.
Section (A).—Indictable Offences.										
Simple Larceny and Offences punishable as Simple Larceny ..	11,939	171	7	942	2,035	1,371	2,903	659	8	—
Larceny from the Person	235	4	—	15	26	18	42	32	—	—
Larceny by a Servant..	335	6	—	14	35	52	149	8	—	—
Embezzlement	77	3	—	2	6	15	33	—	—	—
Obtaining by False Pretences ..	94	—	—	7	9	8	32	11	—	—
Receiving Stolen Goods	143	14	—	13	12	10	28	1	—	—
Endangering Railway Passengers..	95	3	—	9	14	6	15	1	—	—
Destroying Railways	21	—	—	2	8	—	2	—	—	—
Setting Fire to Commons, &c. ..	11	—	—	—	—	2	1	1	—	—
Offences under the Post Office Laws	5	—	—	1	—	—	2	1	—	—
Indecent Assault upon Male Person under 16	5	—	—	2	—	—	1	—	—	—
Indecent Assault upon Female Person under 16	112	3	1	16	6	6	14	2	1	—
Other Indictable Offences committed by Children or Young Persons ..	1,770	57	30	123	234	164	394	105	—	—
TOTAL	14,845	261	38	1,146	2,385	1,652	3,616	821	9	—
					8,483					
MINOR OFFENCES	22,084	—	—	3,254	6,782	718	880	388	4	1
					8,773					
GRAND TOTAL	36,929*	261	38	4,400†	9,167†	2,370	4,496	1,209	13	1
					17,256					

* This total is made up of 19,194 boys and 986 girls under 14 years of age, 13,724 male and 688 female young persons aged 14 and under 16, and 2,162 males and 175 females aged above 16. In addition to the persons included in this Table 734 children and 2,544 young persons were dealt with by ordinary Courts of Summary Jurisdiction, because they were charged jointly with adults, or were supposed to be aged above 16.

† Columns 5 and 6 include 86 cases of boys whipped with the consent of their parents and discharged.

APPENDIX H.—(continued).

for England and Wales, 1914.

with Offences, Nature of Offences, and Results of Proceedings.

CASES DEALT WITH SUMMARILY.

Convicted.								Additional Punishments, Orders, &c., for the same Offences.			Orders made against Parents and Guardians.			
											Child or Young Person *not* Convicted.		Child or Young Person Convicted.	
(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
Number convicted.	Imprisonment.	Place of Detention.	Reformatory School.	Whipping.	Fine.	Recognizances.	Otherwise disposed of	Whipping.	Fine.	Recognizances	To pay Damages or Costs.	To enter into Recognizances.	To pay Fine, Damages or Costs.	To enter into Recognizances.
3,843	10	24	766	1,712	1,244	75	12	43	9	27	525	885	380	40
98	—	1	30	56	10	1	—	1	—	1	—	14	3	—
71	—	2	58	5	5	1	—	—	—	—	4	21	2	—
18	—	—	16	—	2	—	—	—	—	—	—	2	—	—
27	—	—	15	5	7	—	—	—	—	—	5	9	—	—
65	6	1	1	8	48	1	—	—	—	—	1	6	1	—
47	—	—	1	31	14	1	—	—	—	—	4	10	3	1
9	—	—	—	9	—	—	—	—	—	—	2	—	—	—
10	—	—	1	1	8	—	—	—	—	—	—	1	8	—
1	—	—	1	—	—	—	—	—	—	—	—	—	—	—
2	—	—	2	—	—	—	—	—	—	—	1	1	—	—
63	3	3	13	35	9	—	—	—	—	1	3	4	5	—
663	3	10	161	363	113	9	4	10	—	2	46	129	15	1
4,917	22	41	1,065	2,225	1,460	88	16	54	9	31	591	1,082	417	42
								94			2,132			
10,057	8	13	113	19	9,833	20	51	—	—	2	1,145	322	1,453	16
								2			2,936			
14,974	30	54	1,178	2,244	11,293	108	67	54	9	33	1,736	1,404	1,870	58
								96			5,068			

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